Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

PASSED AT THE

...FIFTH REGULAR SESSION...

OF THE

LEGISLATIVE ASSEMBLY

HELD AT HELENA, THE SEAT OF GOVERNMENT OF SAID STATE, COMMENCING JANUARY 4th, 1897, AND ENDING MARCH 4th, 1897.

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CERTIFICATE OF AUTHENTICATION.

STATE OF MONTANA, }
SECRETARY'S OFFICE. } ss.

I, T. S. Hogan, Secretary of State of the State of Montana, do hereby certify that the printed laws, resolutions and memorials contained herein are true and correct copies of all the enrolled laws, resolutions and memorials that were passed at the Fifth Regular Session of the Legislative Assembly of said State, commencing January 4th, 1897, and ending March 4th, 1897, and held at Helena, the seat of government of said State, with the exception of corrections in orthography and punctuation, and omission or substitute words inserted in brackets.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of said State. Done at Helena, the seat of government of the State of Montana, this twenty-fifth day of March, A. D. 1897.

[SEAL]

T. S. HOGAN,

Secretary of State.

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OFFICERS AND MEMBERS

OF THE

FIFTH LEGISLATIVE ASSEMBLY

Governor, ROBERT B. SMITH

Lieutenant Governor and President of the Senate, A. E. SPRIGGS

Members of the Fifth Legislative Assembly of the State of Montana

SENATE

Names of Members.	Counties Represented.	Post Office.
Auld, Jos. C	Dawson	Glendive
Babcock, A. L	Yellowstone	Billings
Bowlen, Chas. C	Carbon	Red Lodge
Brosnan, T. W	Cascade	Great Falls
Campbell, W. H	Park	Livingston
Chandler, E. P	Fergus	Maiden
Cooper, O. C	Ravalli	Hamilton
Eggleston, C. H	Deer Lodge	Anaconda
Flowerree, W. K	Teton	Choteau
Greene, Geo. D	Jefferson	Boulder
Hannah, Wm. J	Sweet Grass	Big Timber
Hoffman, C. W	Gallatin	Bozeman
Hurd, Chas	Valley	Glasgow
Leonard, C. R	Silver Bow	Butte
McKay, J. R	Custer	Miles City
Metzel, Alex	Madison	Puller Springs
Norris, Edwin	Beaverhead	Dillon
Power, John W	Choteau	Fort Benton
Ramsdell, W R	Flathead	Kalispell
Riddell, Wm. C	Lewis & Clarke	Helena
Sligh, Jas. M	Granite	Philipsburg
Smead, W H	Missoula	Missoula
Watt, G. G	Meagher	York

John Bloor, Secretary.

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HOUSE OF REPRESENTATIVES.

Names of Members.	Counties Represented.	Post Office Address.
Kennedy, J. M., Speaker	Deer Lodge	Anaconda
Armitage, C. T.	Yellowstone	Billings
Bartlett, George F.	Silver Bow	Butte
Bourne, George B.	Choteau	Whitlash
Brown, Joseph E	Custer	Birney
Bruffy, George A	Park	Livingston
Buckley, Martin	Jefferson	Basin
Butler, Sidney H.	Flathead	Kalispell
Caldwell, White	Gallatin	Bozeman
Campbell, Albert J	Park	Livingston
Carroll, R. E	Cascade	Great Falls
Clark, W. A	Madison	Virginia City
Clem, Israel	Granite	Princeton
Cochran, W. H.	Beaverhead	Dillon
Dee, Martin	Silver Bow	Butte
Edwards, J. C.	Flathead	Kalispell
Elliott, M. J	Silver Bow	Butte
Evans, Wm. J	Silver Bow	Butte
Gilna, Thomas	Granite	Combination
Greenfield, Charles D.	Lewis & Clarke	Helena
Hart, James J	Carbon	Red Lodge
Hepner, Herman Sol	Lewis & Clarke	Helena
Hewett, Marcus L.	Jefferson	Basin
Hill, R. B.	Missoula	Iron Mountain
Humber, R. G	Deer Lodge	Deer Lodge
Kelly, J. N.	Sweet Grass	Springdale
Kelly, W. M	Deer Lodge	Anaconda
Kennedy, W. J.	Ravalli	Stevensville
Langhorne, Samuel W.	Lewis & Clarke	Helena
Leehey, M. D.	Silver Bow	Butte
Lindsay, William	Dawson	Glendive
Lewis R. X	Valley	Glasgow
Loeb, Albert I.	Lewis & Clarke	Helena
Longstaff, Frank	Missoula	Missoula
Marcum, J. E	Deer Lodge	Helmville
McCabe, John P.	Lewis & Clarke	East Helena
McIntire, H. W	Custer	Miles City
McMahon, Patrick	Silver Bow	Butte
McNally, James E	Silver Bow	Butte
Metlen, D E	Beaverhead	Dillon
Morgan, L J	Gallatin	Duncan
Morton, Anthony	Cascade	Sand Coulee
Mulville, Samuel	Silver Bow	Butte
Newton, C. W	Silver Bow	Butte
O'Connor, D. P.	Silver Bow	Butte
O'Mally, M. G	Cascade	Great Falls
Owens, James	Lewis & Clarke	Augusta
Owsley, Wm.	Madison	Twin Bridges
Penwell, Lewis	Lewis & Clarke	Helena
Perrine, C. H.	Fergus	Ubet
Phillips, Benj. D.	Choteau	Phillips
Power, J. E.	Missoula	Missoula
Ramsey, Geo L.	Gallatin	Bozeman
Sanford, E. J	Meagher	Neihart
Shifelbin, Wm. A	Silver Bow	Butte
Shovlin, Dennis	Deer Lodge	Anaconda
Stanton, Geo. H.	Cascade	Great Falls
Stephens, W. J	Missoula	Missoula
Stork, C. F.	Cascade	Great Falls
Sullivan, Eugene	Silver Bow	Butte
Taylor, F. T.	Madison	Sheridan
Wamsley, J. E.	Teton	Choteau
Warren, O. Y.	Deer Lodge	Warm Springs
Watkins, P. W.	Fergus	Lewistown
Whipple, C. A.	Meagher	Townsend
Whyte, Robert F.	Jefferson	Winston
Whiteside, Fred.	Flathead	Kalispell
Woods, E. P.	Ravalli	Stevensville

David Marks, Chief Clerk.

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FIFTH LEGISLATIVE ASSEMBLY

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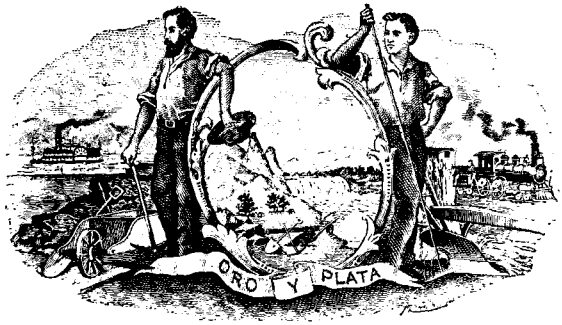

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GENERAL LAWS.

HOUSE BILL NO. 295.

An Act to appropriate money for the Executive and Judicial Departments of the State Government and for the State Institutions of Montana for fiscal years ending December 1, A. D. 1897 and December 1, A. D. 1898.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated for the objects hereinafter expressed, for the fiscal years ending December 1, A. D. 1897, and for the fiscal year ending December 1, A. D. 1898.

For the fiscal year ending December 1, A. D. 1897:

EXECUTIVE DEPARTMENT.

For salary of Governor, Five Thousand Dollars.

For salary of Governor's Private Secretary, Eighteen Hundred Dollars.

Office expenses, Governor's office, Five Hundred Dollars.

For salary of Secretary of State, Three Thousand Dollars.

For salary for clerk for Secretary of State, Fifteen Hundred Dollars.

For extra clerical hire, Secretary of State's Office, Six Hundred Dollars.

For office expenses, Secretary of State, Six Hundred Dollars.

For salary of Attorney General Three Thousand Dollars.

For salary for Law Clerk, Eighteen Hundred Dollars.

For salary of Stenographer of Attorney General Twelve Hundred dollars.

Office and Traveling Expenses, Attorney General, Two Hundred and Fifty Dollars.

Office supplies, Attorney General's Office, Two Hundred Dollars.

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For salary of State Treasurer, Three Thousand Dollars.

For incidental expenses, State Treasurer's office, Two Hundred and Fifty Dollars.

For salary of clerk of State Treasurer, Fifteen Hundred Dollars.

For salary of State Auditor, Three Thousand Dollars.

For salary of Assistant Auditor, Fifteen Hundred Dollars.

For salary of Clerk State Auditor, Twelve Hundred Dollars.

Office and traveling expenses, State Auditor, Three Hundred Dollars.

For salary of Superintendent of Public Instruction, Twenty-five Hundred Dollars.

For salary of Clerk, Superintendent of Public Instruction, Fifteen Hundred Dollars.

For office and traveling expenses, Superintendent Public Instruction, Five Hundred Dollars.

For traveling expenses of the State Board of Education, Eight Hundred Dollars.

For office expenses, State Board of Equalization, Three Hundred Dollars.

For salary of Clerk of Board of Equalization, Eighteen Hundred Dollars.

For expenses, State Board of Pardons, One Hundred Dollars.

Office and traveling expenses, State Board of Commissioners for the Insane, One Hundred Dollars.

For office and traveling expenses, Board of State Prison Commissioners, Three Hundred and Fifty Dollars.

For supplies and expenses, Board of Examiners, One Hundred Dollars.

For contingent expenses of the State Board of Medical Examiners, Seven Hundred and Fifty Dollars.

For salary Veterinary Surgeon, Two Thousand Dollars.

For office and traveling expenses of Veterinary Surgeon, Eight Hundred and fifty Dollars.

For salary of Boiler Inspector, Twenty-five Hundred Dollars.

For salary of Assistant Boiler Inspector, Eighteen Hundred Dollars.

For office rent and expenses, Boiler Inspector's office, Two Thousand Dollars.

For salary of Inspector of Mines, Twenty-five Hundred Dollars.

For salary of Deputy Inspector of Mines, Six Hundred Dollars.

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For office and traveling expenses, Inspector of Mines, Two Thousand and Fifty-three Dollars.

For salary of Commissioner of Agriculture, Labor and Industry, Two Thousand and Four Hundred Dollars.

For salary of Chief Clerk, Commissioner of Agriculture, Labor and Industry, Twelve Hundred Dollars.

For salary of employment Clerk, Commissioner of Agriculture, Labor and Industry, Fourteen Hundred and Seventy-five Dollars.

For office and traveling expenses of Commissioner of Agriculture, Labor and Industry, Fifteen Hundred Dollars.

For deficiency current fiscal year, Bureau of Agriculture, Labor and Industry, Three Hundred and Twenty-five Dollars.

For salary of State Land Agent, Two Thousand Dollars.

For salary of clerk of Board of State Land Commissioners, Twelve Hundred Dollars.

For office and traveling expenses, State Land Agent, Two Thousand Dollars.

For salary of three clerks to State Boards, Thirty-six Hundred Dollars.

For public printing of all kinds, Six Thousand Dollars.

For Printing Montana Reports, eighteen Hundred Dollars.

For salary of Law Librarian, Twelve Hundred Dollars.

For expenses, State Law Library, One Thousand Dollars.

For expenses of office of Historical Society, Seven Hundred and Fifty Dollars.

For salary of Librarian, Historical Society, Twelve Hundred Dollars.

For salary of State Examiner, Twenty-five Hundred Dollars.

For salary of Accountant to State Examiner, Twelve Hundred Dollars.

For office and traveling expenses, State Board of Land Commissioners, Two Hundred Dollars.

For office and traveling expenses of Examiners, Fifteen Hundred Dollars.

For contingent expenses of the National Guard, Six Thousand Five Hundred Dollars.

For rewards offered by the Governor, One Thousand Dollars.

For requisitions, One Thousand Dollars.

For rental of State offices, Four Thousand Dollars.

For Janitor of State offices, Nine Hundred Dollars.

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For deficiency bills appointive State officers and Clerks Two Thousand Three Hundred and Twenty-five Dollars.

For traveling and printing expenses of Director of Experimental Station, Five Hundred Dollars.

To Alex. Metzel for expenses of Investigation Committee One Hundred and Seven Dollars.

For extra clerical hire, Two Thousand Dollars.

JUDICIAL DEPARTMENT.

For salary of three justices of the Supreme Court Twelve Thousand Dollars.

For salary of the Clerk of the Supreme Court, Twenty-five Hundred Dollars.

For salary of Stenographer of the Supreme Court, Fifteen Hundred Dollars.

For salary of Supreme Court Reporter, Fifteen Hundred Dollars.

For salary of Marshal of Supreme Court, Twelve Hundred Dollars.

For salary of attendant of justices of the Supreme Court, Nine Hundred and Thirty-nine Dollars.

For contingent expenses of Clerk's office, Three Hundred Dollars.

For salary of thirteen district judges at Three Thousand Five Hundred Dollars each, Forty-five Thousand Five Hundred Dollars.

For salary of County Attorneys, Seventeen Thousand Four Hundred and Seventy-four Dollars.

STATE INSTITUTIONS.

For maintenance of Prison, Fifty Thousand Dollars.

For maintenance of Insane, One Hundred and Twenty Thousand Dollars.

For furnishing attic and completing Pest House at Orphans' Home, Three Thousand Dollars.

For maintenance of Orphans' Home, Ten Thousand Nine Hundred and Seventy Dollars.

For maintenance of Reform School, Sixteen Thousand, Two Hundred and Twenty Dollars.

For School of Mines, Five Thousand Three Hundred Dollars.

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For maintenance and furnishing of Agricultural College, Seven Thousand Dollars.

For maintenance and equipment of Normal School, Seven Thousand Seven Hundred Dollars.

For furnishing and improving Soldiers' Home and Grounds, Five Thousand Dollars.

For maintenance of Missoula University, Sixteen Thousand Dollars.

For Deaf and Dumb Asylum, Nine Thousand Two Hundred and Fifty-five Dollars.

For sewerage system for Reform School, Two Thousand Five Hundred Dollars.

For maintenance of Soldiers' Home, Seven Thousand Dollars.

For the fiscal Year ending December 1st., 1898.

EXECUTIVE DEPARTMENT.

For salary of Governor, Five Thousand Dollars.

For salary of Governor's Private Secretary, Eighteen Hundred Dollars.

For office expenses, Governor's office, Five Hundred Dollars.

For salary, Secretary of State, Three Thousand Dollars.

For salary for Clerk for Secretary of State, Fifteen Hundred Dollars.

For extra clerical hire, Secretary of State's office, Six Hundred Dollars.

For office expenses, Secretary of State, Four Hundred Dollars.

For salary of Attorney General, Three Thousand Dollars.

For salary of Law Clerk for Attorney General, Eighteen Hundred Dollars.

For salary for Attorney General, One Thousand Dollars.

Traveling expenses, Attorney General, Two Hundred and Fifty Dollars.

Office expenses, Attorney General's Office, Two Hundred Dollars.

For salary of State Treasurer, Three Thousand Dollars.

For incidental expenses, State Treasurer's Office, One Hundred and Fifty Dollars.

For salary of Clerk of State Treasurer, Fifteen Hundred Dollars.

For salary of State Auditor, Three Thousand Dollars.

For salary of Assistant Auditor Fifteen Hundred Dollars.

For salary of Clerk State Auditor Twelve Hundred Dollars.

For office and traveling expenses State Auditor, Three Hundred Dollars.

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For salary of Superintendent of Public Instruction, Twenty-five Hundred Dollars.

For salary of Clerk for Superintendent of Public Instruction, Fifteen Hundred Dollars.

For office and traveling expenses of Superintendent of Public Instruction, Five Hundred Dollars.

For traveling expenses of State Board of Education Eight Hundred Dollars.

For salary of Clerk of Board of Equalization, Eighteen Hundred Dollars.

For office expenses of State Board of Equalization, Three Hundred Dollars.

For expenses of State Board of Pardons, One Hundred Dollars.

For office and traveling expenses, State Board of Commissioners, for the Insane, One Hundred Dollars.

For office and traveling expenses, Board of State Prison Commissioners, Three Hundred and Fifty Dollars.

For supplies and expenses of State Board of Examiners, One Hundred Dollars.

For contingent expenses of the State Board of Examiners, Twelve Hundred and Fifty Dollars.

For salary of Veterinary Surgeon, Two Thousand Dollars.

For office and traveling expenses of Veterinary Surgeon, Eight Hundred and Fifty Dollars.

For salary of Boiler Inspector, Two Thousand Dollars.

For salary of Assistant Boiler Inspector, Fifteen Hundred Dollars.

For office rent and expenses, Boiler Inspector's Office, Two Thousand Dollars.

For salary Inspector of Mines, Twenty-five Hundred Dollars.

For salary of Deputy Inspector of Mines, Six Hundred Dollars.

For office and traveling expenses, Inspector of Mines, Two Thousand and Fifty Three Dollars.

For salary of Commissioner of Agriculture, Labor and Industry, Two Thousand Four Hundred Dollars.

For salary of Chief Clerk, Commissioner of Agriculture, Labor and Industry, Fourteen Hundred and Seventy-five Dollars.

For salary of Employment Clerk, Commissioner of Agriculture, Labor and Industry, One Thousand Dollars.

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For office and traveling expenses of Commissioner of Agriculture, Labor and Industry, Twenty-five Hundred Dollars.

For salary of State Land Agents, Two Thousand Dollars.

For salary Clerk of Board of State Land Commissioners, Twelve Hundred Dollars.

For office and traveling expenses of State Board of Land Commissioners, Two Hundred Dollars.

For office and traveling expenses, State Land Agent, Two Thousand Dollars.

For salary of three clerks of State Boards, Thirty-six Hundred Dollars.

For public printing of all kinds, Six Thousand Dollars.

For printing Montana reports, Eighteen Hundred Dollars.

For salary of Law Librarian, Twelve Hundred Dollars.

For expenses, State Law Library, One Thousand Dollars.

For salary Librarian, Historical Society, Twelve Hundred Dollars.

For office expenses of Historical Societies, Seven Hundred and Fifty Dollars.

For salary of State Examiner, Twenty-five Hundred Dollars.

For salary of Accountant to State Examiner, Twelve Hundred Dollars.

For office and traveling expenses of Examiners, Fifteen Hundred Dollars.

For contingent expenses of National Guard, Ten Thousand Dollars.

For rewards offered by the government, One Thousand Dollars.

For requisitions, One Thousand Dollars.

For rental of State offices, Four Thousand Dollars.

For Janitor of State offices, Nine Hundred Dollars.

For extra clerical hire, Two Thousand Dollars.

For traveling and printing expenses of Director of Experimental Station, Five Hundred Dollars.

JUDICIAL DEPARTMENT.

For salary of three justices of the Supreme Court, Twelve Thousand Dollars.

For salary of Clerk of the Supreme Court, Twenty-five Hundred Dollars.

For salary of Stenographer of the Supreme Court, Fifteen Hundred Dollars.

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For salary of Supreme Court Reporter, Fifteen Hundred Dollars.

For salary of Marshal of Supreme Court, Twelve Hundred Dollars.

For salary of attendant to justices of the Supreme Court, Nine Hundred and Thirty-nine Dollars.

For contingent expenses of Clerk's office, Three Hundred Dollars.

For salary of thirteen District Judges, Three Thousand Five Hundred each, Forty-Five Thousand, Five Hundred Dollars.

For salary of County Attorneys, Seventeen Thousand Four Hundred and Seventy-Four Dollars.

STATE INSTITUTIONS.

For completing Orphans' Home Building Ten Thousand Dollars.

For maintenance of Orphans' Home Twelve Thousand One Hundred and Sixty-five Dollars.

For maintenance of Reform School, Sixteen Thousand, Eight Hundred and Seventy-five Dollars.

For School of Mines, Ten Thousand Six Hundred Dollars.

For maintenance and furnishing of Agricultural College, Ten Thousand Five Hundred Dollars.

For maintenance and furnishing State Normal School, Seven Thousand Seven Hundred Dollars.

For maintenace Missoula University, Nineteen Thousand Dollars.

For Deaf and Dumb Asylum, Twelve Thousand Nine Hundred and Fifty-three Dollars.

For maintenance of Soldiers' Home, Five Thousand Dollars.

For maintaining Prison, Fifty Thousand Dollars.

For maintenance of Insane, One Hundred and Twenty Thousand Dollars.

Approved March 6, 1897.

HOUSE BILL NO. 35.

An Act to appropriate moneys for the payment of mileage and per diem for the members of the Fifth Legislative Assembly of the State of Montana, also for the payment of per diem of the officers and attaches thereof.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of forty thousand dollars ($40,000) or so much thereof as may be necessary, be and the same is hereby appropriated out of any funds not otherwise appropriated for the payment of mileage and per diem for the members of the Fifth Legislative Assembly of the State of Montana.

Section 2. That the sum of seventeen thousand dollars ($17,000) or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys not otherwise appropriated for the payment of the per diem of the officers and attaches of the Fifth Legislative Assembly of the State of Montana.

Approved January 15th, 1897.

HOUSE BILL NO. 241.

An Act to appropriate the sum of Five Thousand Dollars for sundry expenses incurred by the House of Representatives and Senate of the Fifth Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Five Thousand Dollars be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, or so much thereof as may be necessary, to pay for supplies, stationery, books, and furnishings required by the said Fifth Legislative Assembly, and services rendered to the State in the equipment thereof.

Section 2. The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons, companies or corporations furnishing such supplies and services and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 4, 1897.

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HOUSE BILL NO. 20.

An Act appropriating to J. D. Taylor, Fred Foster and E. S. Stackpole the sums of money respectively herein named for services rendered the Fifth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

That there is hereby appropriated to J. D. Taylor the sum of forty-five and 20-100 dollars ($45.20) per diem and mileage for services rendered as Sergeant-at-Arms of the House of the Fifth Legislative Assembly of the State of Montana in accordance with the provisions of Section 162 of the Political Code of the State of Montana.

That there is also hereby appropriated to E. S. Stackpole the sum of thirty-two dollars ($32.00) per diem and mileage for services rendered as Sergeant-at-Arms for the Senate of the Fifth Legislative Assembly of the State of Montana, pursuant to the provisions of Section 162 of the Political Code of the State of Montana.

That there be also appropriated to Fred Foster the sum of one hundred and five and 60-100 dollars ($105.60) for services rendered as Secretary of the Senate of the Fifth Legislative Assembly of the State of Montana, pursuant to the provisions of Section 162 of the Political Code of the State of Montana.

Said appropriations to be made out of any moneys in the General Fund not otherwise appropriated.

The Auditor shall issue a warrant for the respective amounts to the respective parties.

Approved January 13th, 1897.

HOUSE BILL NO. 299.

An Act to pay employees of the Senate and House, as provided in Section 209, Part III, Title I, Chapter II, Article IV, and as provided for in Section 223, Part III, Title I, Chapter II, Article V, of the Political Code of the State of Montana.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of one hundred ($100.00) dollars be, and the same is hereby appropriated to pay, in accordance with Section 209, Part III, Title I, Chapter II, Article IV, and as provided for in Section 223, Part III, Title I, Chapter II, Article V, of the Political Code of the State of Montana, as follows, to-wit:

John Bloor, Secretary of the Senate	$ 50 00
David Marks, Chief Clerk of House	50 00
Total	$100 00

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the said John Bloor and David Marks for the sum of fifty dollars respectively, and the State Treasurer is directed to pay the same.

Section 3. This act shall be effective from and after March 5, 1897.

Approved March 5, 1897.

HOUSE BILL NO. 310.

An Act to appropriate money for the payment of the claim of H. B. Gibson for services as stenographer to the Capitol Commission Investigation Committee and for transcript of testimony.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of one hundred and twenty-five dollars ($125.-00) or so much thereof as may be necessary, be, and is hereby appropriated out of any monies in the State Treasury not otherwise appropriated, to pay H. B. Gibson for services rendered as stenographer to the Capitol Investigating Committee and for testimony transcribed.

Section 2. That the State Auditor is hereby directed to draw his warrant for the amount, and in favor of the person named in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Approved March 6, 1897.

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HOUSE BILL NO. 107.

An Act appropriating money for the payment of claims of certain persons for services rendered to and supplies furnished for the Orphans' Home, during the year 1896.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of six hundred, forty-eight dollars, ($648.00) or so much thereof, as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the following named persons for services rendered to and supplies furnished for the Orphans' Home in the year 1896:

George Comfort	$ 93 60
Mrs. George Comfort	50 00
Ella Ackley	40 00
Van Gould	33 00
Sem Yeng	40 00
Maggie Philpot	35 00
Jennie Cox	30 00
Susie McGuire	30 00
Mary Oliver	30 00
C. A. Bartruff	20 00
H. F. Counter	50 00
Cal Pasley	49 55
F. A. Taylor	43 85
C. L. Utley	42 40
Mrs. E. L. Smith	38 80
Mrs. Wm. Trostle	21 80
	$648 00

Section 2. The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons named and for the amounts set opposite their names, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage.

Approved March 4, 1897.

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HOUSE BILL NO. 113.

An Act appropriating money for the payment of claims of certain persons and companies for services rendered to and supplies furnished for the Orphans' Home in the year 1895.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of eighty-four and eighty-eight one-hundredths dollars, ($84.88) or so much thereof as many be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the following named persons and companies for services rendered to the Orphans' Home and supplies furnished for such institution in the year 1895:

Pease Bros.	$ 17 79
Mrs. Wm. Trostle	12 88
Mrs. A. F. Wheat	33 77
J. W. Hartwell & Co	20 44
Total	$ 84 88

Section 2. The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons and companies named and for the amounts set down opposite their names as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage.

Approved March 4, 1897.

HOUSE BILL NO. 103.

An Act appropriating money for the relief of certain persons and corporations for furnishing supplies and for services rendered to the State Reform School in the year 1896.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of three thousand one hundred and fifty-nine dollars and fifty-six cents, ($3,159.56), be, and the same is hereby appro-

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priated out of any moneys in the State Treasury not otherwise appropriated to pay the claims of the following named persons and corporations for supplies furnished and services rendered to the State Reform School during the year 1896.

A. W. Baker	$ 40 00
A. W. Baker	40 00
P. S. Malvaney	55 00
P. S. Malvaney	45 00
Minnie Darnell	40 00
Minnie Darnell	40 00
Annie Olson	30 00
E. W. Cook	45 00
E. W. Cook	45 00
Lydia Osterbrink	35 00
Lydia Osterbrink	35 00
R. T. Ridgway	18 00
R. T. Ridgway	45 00
John Darnell	45 00
John Darnell	45 00
J. P. Duffy	49 50
J. P. Duffy	45 00
Lina Olson	25 52
Mrs. M. A. Howe	19 22
Mrs. C. B. Rae	30 00
Mrs. C. B. Rae	30 00
John Samlin	26 00
E. K. Davis	30 60
J. W. Laney & Bro	49 25
E. H. Thompson	6 00
Ryan Hardware Co	318 05
Mary K. Savage	18 00
W. E. Savage	93 15
W. B. Jordan	250 72
W. B. Jordan	188 57
Gibbs, Hall & Bateman	29 32
Gibbs, Hall & Bateman	116 20
City of of Miles City	53 00

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King Bros. & Co.	196 44
King Bros. & Co.	19 75
Sam Bateman	20 93
C. B. Towers Merc. Co.	14 00
J. E. Arnolds	1 95
N. P. Sorenson	30 10
McIntire Merc. Co.	53 77
McIntire Merc. Co.	74 32
R. Fritz	118 75
Miles, Strevell & Ulmer	33 20
State Publishing Co.	8 00
John Murphy	6 00
C. R. Cross	11 60
W. F. Millard	13 35
Annie Olson	30 00
Total	$3,159 56

Section 2. The State Auditor is hereby authorized to draw warrants in favor of the persons and corporations named for the amounts set down opposite their names as shown in Section one of this Act and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1897.

HOUSE BILL NO. 304.

An Act to provide for the erection and completion of building for steam heating plant, the plumbing of boy's building recently erected, to pay for labor and material used therein, at the State Reform School at Miles City, and appropriate money to pay therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there be erected, and the authority is hereby given to erect and complete the two story brick building with stone basement and corrugated iron roof, for the purpose of a steam heating plant to be used

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for the heating of buildings at the State Reform School, and in connection therewith, and in addition thereto that suitable and proper plumbing be put in and completed, in a good and workmanlike manner in the new three story brick building recently erected for boys at said State Reform School including all labor and material that may be necessary in order that said steam-heating plant and plumbing as aforesaid may be erected and completed in a good, substantial and workmanlike manner, including enameled iron wash basins, bath tubs, and proper and necessary closets in the State Reform School building at cost not to exceed Three Thousand, Three Hundred, Forty-five and 49-100 Dollars ($3,345.49.)

Section 2. That the sum of Three Thousand, Three Hundred Forty-five and 49-100 Dollars ($3,345.49), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay for the buildings and improvements as mentioned in Section 1 of this Act.

Section 3. Whenever said building and plumbing are erected and completed, as provided in Section 1 of this Act, the accounts and expenses for the same shall be certified to the State Board of Examiners, and when approved, warrants shall be drawn therefor by the State Auditor to pay therefor. If there are no moneys in the State Treasury with which to pay said warrants, the same shall be registered by the State Treasurer, and shall draw interest as provided by law for other registered State warrants.

Section 4. The State Auditor is hereby authorized and directed to draw his warrant in favor of the person or persons, company, corporation, or concern that may furnish any of the labor or material for the improvements as mentioned in Section 1 of this Act, whose account or accounts have been properly certified to the State Board of Examiners, and approved by said Board.

Section 5. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Section 6. This Act shall be effective from and after its passage.

Approved March 6, 1897.

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HOUSE BILL NO. 110.

An Act to appropriate money for the payment of claims of certain persons and companies for services rendered to and supplies furnished for the State Agricultural College in the year 1896.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of four hundred eighty-six and thirty-three one-hundredths dollars, ($486.33) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claims of the following named persons corporation or companies for supplies furnished and services rendered to the State Agricultural College during the year 1896:

Peter Koch	$ 66 67
W. G. Bohart	24 65
Gallatin Valley Merc. Co	107 90
Mabel B. Owens	25 00
James Reid	35 41
E. M. Gardner	27 00
W. P. Downing	17 90
D. F. Johnson	30 68
P. W. McAdow	75 00
Augusta B. Moxley	76 12
	$486 33

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons, companies or corporations named and the amounts set down opposite their names as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 4, 1897.

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HOUSE BILL NO. 240.

An Act to appropriate money for the payment of the claim of Fred Whiteside, balance due on contract for constructing the Soldier's Home.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of eight hundred, eighty-three and seventy-one hundredths dollars ($883.71) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay Fred Whiteside, balance due on contract for constructing the Soldiers Home at Columbia Falls, Montana.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the said Fred Whiteside for the amount specified in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage.

Approved March 5, 1897.

HOUSE BILL NO. 91.

An Act to appropriate money for the payment of claims of certain persons, companies, or corporations for services rendered to and supplies furnished during the year 1896, for the Deaf and Dumb Asylum at Boulder.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Five Hundred, eighty-one and four one-hundredths dollars ($581.04), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay the following named persons, companies, or corporations for services rendered to the Deaf and Dumb Asylum, and supplies furnished for such institution during the year 1896:

E. S. Tillinghast	$103 00
L. A. Divine	65 00
Daisy Doyle	50 00

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Miss S. A. Tillinghast	41 66
Charlie Woh	35 00
Dr. L. A. Vawter	20 00
Hop Lee	20 00
E. R. McNeil	45 00
Jesse Patterson	23 20
Edith Harlan	1 25
C. W. Sweet	1 40
Sam Lee	5 20
Jackson Music Co	7 17
B. F. Hoopes & Son	11 15
Maxfield & Gilliam	21 90
S. H. Knowles	40 50
Gaffney Merc. Co	44 52
T. A. Wickes	45 09
Total	$581 04

Section 2. The State Auditor is authorized and directed to draw his warrants in favor of the persons, companies, or corporations and for the amount set opposite their names, as shown in Section 1 of this Act and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in full force and effect from and after its passage.

Approved March 4, 1897.

HOUSE BILL NO. 294.

An Act appropriating money for the payment of claims of certain persons for services rendered to the State, and for expenses incurred in the maintenance of the Deaf and Dumb Asylum and Orphans' Home during the year 1896.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of six hundred seventy-five and ninety one-hundredths dollars ($675.90), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treas-

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ury not otherwise appropriated, to pay the following named persons, companies and corporations for services rendered to the State, and supplies, furnishings, services, etc., rendered to the Deaf and Dumb Asylum and the Orphans' Home during the year 1896:

Jos. I. Haines, Transportations Convicts	$ 36 50
Jos. I Haines, Transportations Convicts	45 40
White Caldwell, Transportation Convicts	72 00
Sam Kee, Washing Towels, State Officers	6 00
J. H. Jurgens, Serving Summonses, State Officers	3 20
F. W. Cornish, Envelopes, Deaf and Dumb Asylum	3 50
Emma T. Concannon, Rent, Deaf and Dumb Asylum	35 00
Eugene Picot, Services to Deaf and Dumb Asylum	10 80
G. F. White, Lumber, Etc., Orphans' Home	12 05
Pease Bros., Medicines, etc	9 65
Northern Pacific Ry Transportation National Guard	6 20
H. H. Baldwin, Requisition of Chas. Lee	435 60
Total	$675 90

Section 2. The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons, companies and corporations named and for the amounts set down opposite their names as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 4, 1897.

HOUSE BILL NO. 90.

An Act appropriating money for the payment of the claims of certain persons for services rendered to and supplies furnished the Western Penitentiary, Montana, in the year 1896.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of twenty-one and forty-five one-hundredths dollars ($21.45) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not other-

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wise appropriated, to pay the following named persons for services rendered to and supplies furnished the Western Penitentiary, Montana, during the year 1896.

Zenor & Trask	$21 45
Total	$21 45

Section 2. The State Auditor is authorized and directed to draw his warrants in favor of the persons named and for the amounts set down opposite, as shown in Section one of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 4, 1897.

HOUSE BILL NO. 96.

An Act appropriating money for the payment of the claims of certain persons, companies, or corporations for furnishing supplies and for services rendered to the Eastern Penitentiary, Montana, in the year 1895.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of eight thousand, twenty and seventy-one one-hundredths dollars, ($8,020.71) or so much thereof as may be necessary, be, and the same is hereby appropriated to pay the claims of the following named persons, companies, or corporations for supplies furnished and services rendered to the Eastern Penitentiary, Montana, during the year 1895:

Fisk J. Shaffer	$1,259 44
Fisk J. Shaffer	2,561 56
Fisk J. Shaffer	2,784 35
Fisk J. Shaffer	200 00
A. N. Adams	484 36
Billings Water Power Co	731 00
Total	$8,020 71

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Section 2. That the State Auditor is hereby authorized to draw his warrants in favor of the persons, companies, or corporations named and for the amounts set down opposite their names as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 4, 1897.

HOUSE BILL NO. 109.

An Act appropriating money for the payment of the claim of F. D. Baker for services rendered to the State from July 1, 1896 to November 30th., 1896 inclusive, as watchman of the Eastern Penitentiary.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of one hundred and fifty dollars ($150.00) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay F. D. Baker for services rendered the State as Watchman of the Eastern Penitentiary, Montana, from July 1, 1896, to November 30th, 1896 inclusive.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the said F. D. Baker for the sum of one hundred and fifty dollars ($150.00) and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 4, 1897.

HOUSE BILL NO. 101.

An Act appropriating money for the relief of Mitchell and Mussigbrod for the care and keeping of the insane in the year 1896.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of ten thousand, one hundred and sixty-one

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dollars ($10,161.00), be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay Mitchell and Mussigbrod for balance due them under contract for the care and keeping of the insane in the year 1896.

Section 2. That the State Auditor is hereby authorized and directed to draw his warrant in favor of said Mitchell and Mussigbrod for the sum of ten thousand, one hundred and sixty-one dollars ($10,161.00) and the State Treasurer is directed to pay the same.

Section 3. This Act shall become effective from and after its passage.

Approved March 4, 1897.

HOUSE BILL NO. 111.

An Act appropriating money for the relief of Mitchell and Mussigbrod for the care and keeping of the insane in the year 1895.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of one thousand, two hundred seventeen and ten one-hundredths dollars ($1,217.10), be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay Mitchell and Mussigbrod for balance due them under contract for the care and keeping of the insane in the year 1895.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the said Mitchell and Mussigbrod for the sum of one thousand, two hundred, seventeen and ten one-hundredths dollars ($1,217.10) and the State Treasurer is directed to pay the same.

Section 3. This Act shall become effective from and after its passage.

Approved March 4, 1897.

HOUSE BILL NO. 173.

An Act appropriating money for the payment of the claim of H. H. Baldwin, account expenses incurred in transporting prisoners to the penitentiary during the year 1896.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of three hundred, thirty-nine and forty-five

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one-hundredths dollars, ($339.45) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay H. H. Baldwin for expenses incurred in transporting prisoners to the penitentiary during the year 1896.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the said H. H. Baldwin for the amount specified in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 4, 1897.

HOUSE BILL NO. 176.

An Act appropriating money for the payment of the claim of W. R. Dwyer, account expenses incurred in transporting of prisoners to the Penitentiary during the year 1896.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Sixty-five and thirty one-hundredths ($65.30), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay W. R. Dwyer for expenses incurred in the transportation of prisoners to the penitentiary during the year 1896.

Section 2. The State Auditor is hereby authorized to draw his warrant in favor of the said W. R. Dwyer for the amount specified in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 4, 1897.

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HOUSE BILL NO. 309.

An Act appropriating money for the payment of the claims of certain persons for expenses incurred in transportation of prisoners to the Penitentiary.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of three thousand one hundred sixty-six and seventy one-hundredths dollars ($3,166.70), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the following named persons for expenses incurred in transporting prisoners to the penitentiary.

J. Henry Jurgens, 1895	$ 31 50
J. Henry Jurgens, 1895	28 20
J. H. Jurgens, 1895	16 10
J. H. Jurgens, 1895	11 95
J. H. Jurgens, 1895	11 45
J. H. Jurgens, 1895	19 15
J. H. Jurgens, 1895	14 65
W. R. Dwyer, 1895	486 00
W. R. Dwyer, 1896	293 85
Jas. B. Hawkins, 1895	297 50
John Zimmerman, 1895	63 50
Thos. Hogan, 1895	70 20
Thos. Hogan, 1895	69 70
Jake L. DeHart, 1896	41 75
Jake L. DeHart, 1896	44 65
H. W. McLaughlin, 1895	14 40
H. W. McLaughlin, 1895	14 40
H. W. McLaughlin, 1895	14 40
H. W. McLaughlin, 1895	29 80
H. W. McLaughlin, 1895	14 40
George B. McLaughlin, 1895	53 00
George B. McLaughlin, 1895	57 70
Geo. B. McLaughlin, 1895	41 80
Geo. B. McLaughlin, 1895	49 20
H. H. Baldwin, 1895	110 25
H. H. Baldwin, 1896	200 40

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Alex. P. Gilliam, 1895	19 55
Alex. P. Gilliam, 1895	19 55
W. H. McKnight, 1895	49 75
Geo. A. Berky, 1895	114 10
Jos. I. Haines, 1895	44 00
B. S. Chaffin, 1895	76 35
John D. Waite, 1896	145 95
Saml. J. Reynolds, 1896	180 00
S. J. Reynolds, 1895	225 50
S. A. Willis, 1896	66 00
Thos. F. Hamilton, 1895	45 55
Geo. T. Young, 1895	80 50
Total	$3,166 70

Section 2. The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons named and for the amounts set down opposite their names as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 4, 1897.

HOUSE BILL NO. 324.

An Act to appropriate money for the payment of the claim of White Caldwell, account expenses incurred in transportation of prisoners to the Penitentiary in the year 1896.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of ninety-six and seventy-five one-hundredths dollars, ($96.75) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay White Caldwell account expenses incurred in transportation of prisoners to the Penitentiary in the year 1896.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the said White Caldwell for the amount speci-

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fied in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 5, 1897.

HOUSE BILL NO. 135.

An Act appropriating money for the payment of the claim of the county of Cascade, Montana, account transportation of prisoners to the Reform School during the year 1895.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Five Hundred, Nineteen and twenty-five one hundredths dollars, ($519.25) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the county of Cascade, Montana, account transportation of prisoners to Reform School during the year 1895.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of said Cascade County for the amount named in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 8, 1897.

HOUSE BILL NO. 293.

An Act appropriating money for the payment of the claim of White Caldwell, account expenses incurred in requisition of R. K. Middleton in the year 1896.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Hundred, Twelve and ninety-five one-hundredths dollars ($112.95) or so much thereof as may be necessary,

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be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay White Caldwell for expenses incurred in the requisition of R. K. Middleton in the year 1896.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the said White Caldwell for the sum specified in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 4, 1897.

HOUSE BILL NO. 242.

An Act to appropriate money for the payment of the claims of certain person, account rewards for the capture of La La See and Pierre Paul.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Nine Hundred ninety-nine and ninety-six one-hundredths dollars, ($999.96) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to pay the following named persons, account reward for the capture of La La See and Pierre Paul under Act of March 2, 1895:

Ralph Ramsdell	$166 66
James Conley	166 66
P. Cattullayeuh	166 66
J. J. Grant	166 66
Wm. Mooring	166 66
John S. Wise	166 66
Total	$999 96

Section 2. The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons and for the amounts set down opposite their names as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 4, 1897.

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HOUSE BILL NO. 289.

An Act appropriating money for the relief of Robert Saurey.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Three Hundred ($300.00) dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any money in the State Treasury not otherwise appropriated to pay Robert Saurey the amount of reward offered on behalf of the State of Montana by Ex-Governor Rickards to the person giving information which should lead to the conviction of the murderer of one Lena Cunningham in Flathead County in April, 1894.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the said Robert Saurey for the sum of three hundred ($300.00) dollars and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage.

Approved March 4, 1897.

HOUSE BILL NO. 134.

An Act appropriating Money for the payment of the claim of E. W. Stetson, account salary and expenses as accountant to State Examiner, during the months of October and November, 1896, inclusive.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Five Hundred Dollars ($500.), or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay E. W. Stetson for services rendered to and expenses incurred as accountant to State Examiner during the months of October and November, 1896, inclusive.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the said E. W. Stetson, for the sum of Five Hundred Dollars ($500), and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 4, 1897.

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HOUSE BILL NO. 93.

An Act appropriating money for the payment of the claim of George Blinn for services rendered to the State in November, 1896, as Boiler Inspector.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of thirty-three dollars ($33.90) and ninety cents, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated to pay George Blinn for services rendered the State as Boiler Inspector in the month of November, 1896.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the said George Blinn for the sum of thirty-three dollars and ninety-cents ($33.90) and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force from and after its passage.

Approved March 4, 1897.

HOUSE BILL NO. 95.

An Act appropriating money for the payment of the claim of A. B. Keith for services rendered to the State during the months of December, 1894; January and February, 1895, as Custodian of the Armory.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of one hundred and fifty dollars, ($150.00) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay A. B. Keith for services rendered to the State as Custodian of the Armory in the months of December, 1894; January and February, 1895.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the said A. B. Keith for the sum of one hun-

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dred and fifty dollars ($150.00) and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after is passage and approval.

Approved March 4, 1897.

HOUSE BILL NO. 102.

An Act appropriating money for the payment of the claim of T. W. Lawson for services rendered the State from December 1, 1896 to January 4th, 1897 inclusive, as Executive Clerk.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of one hundred and thirteen dollars, ($113.00) or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay T. W. Lawson for services rendered the State as Executive Clerk from December 1, 1896 to January 4th, 1897 inclusive.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the said T. W. Lawson for the sum of one hundred and thirteen dollars, ($113.00), and the State Treasurer is directed to pay the same.

Section 3. This act shall be effective from and after its passage.

Approved March 8, 1897.

HOUSE BILL NO. 197.

An Act appropriating money for the payment of the Claim of George A. Leekley, account extra clerk to State Auditor, during the year, 1896.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Five Hundred and fifty dollars, ($550.00) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to George A. Leekley for services rendered to the State as extra clerk to State Auditor during the year 1896.

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Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of said George A. Leekley for the sum named in Section 1, of this Act, and the State Treasurer is directed to pay the same.

Section 3. This act shall be effective from and after its passage and approval.

Approved March 4th, 1897.

HOUSE BILL NO. 92.

An Act appropriating money for the payment of sundry expenses of the State Board of Education in the year 1896.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Three hundred, fourteen and fifty-five one-hundredths dollars ($314.55) be, and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the following named persons for expenses incurred as members of the State Board of Education in the year 1896:

T. E. Collins	$142 25
J. E. Morse	146 50
James Reid	25 80
Total	$314 55

Section 2. The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons and for the amounts specified in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This act shall be in force from and after its approval and passage.

Approved March 4, 1897.

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HOUSE BILL NO. 104.

An Act appropriating money for the payment of sundry expenses of the State Board of Education in the year 1895.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of five hundred, twenty and sixty one-hundredths dollars $520.60, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the following named persons for expenses incurred as members of the State Board of Education in the year 1895.

T. E. Collins	$ 30 00
T. E. Collins	90 00
H. H. Grant	32 50
H. H. Grant	25 50
James Reid	52 40
James Reid	46 35
O. F. Goddard	25 60
J. M. Hamilton	23 75
J. M. Hamilton	26 45
J. E. Morse	26 35
J. E. Morse	27 30
J. E. Morse	57 10
J. E. Morse	26 30
A. H. Wethey	15 30
A. H. Wethey	15 70
Total	$520 60

Section 2. The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons and for the amounts specified in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force from and after its approval and passage.

Approved March 6, 1897.

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HOUSE BILL NO. 100.

An Act appropriating certain money for payment of sundry expenses of the State Board of Charities and Reform during the year 1896.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of forty-nine and fifty one-hundredths dollars ($49.50), be , and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the following named persons for expenses incurred as members of the State Board of Charities and Reforms during the year 1896:

W. W. VanOrsdel	$ 9 20
Mrs. M. S. Cummins	18 80
E. J. Groenweld	21 50
Total	$49 50

Section 2. The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons and for the amounts specified in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force from and after its approval and passage.

Approved March 4, 1897.

HOUSE BILL NO. 174.

An Act appropriating money for the payment of the claims of certain persons for services rendered to, and supplies furnished the State during the year 1896.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Hundred, eighty-four and forty-five one-hundredths dollars ($184.45) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claims of the following named persons for services rendered to and supplies furnished the State during the year 1896:

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John Mitchell, tin for roof improvements West. Penitentiary...$124 00
O. F. Goddard, expenses attending meetings Board Education.. 60 45

Total.....$184 45

Section 2. The State Auditor is hereby authorized to draw his warrants in favor of the persons named and the amounts set down opposite their names as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This act shall be effective from and after its passage and approval.

Approved March 4, 1897.

HOUSE BILL NO. 328.

An Act appropriating money for the payment of the claim of the State Publishing Company, account printing during the year 1896.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of two hundred thirty three and ninety one-hundretdhs dollars, ($233.90) or so much thereof as may be necessary be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay the State Publishing Company for balance due for public printing during the year 1896.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the said State Publishing Company for the amount specified in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 5, 1897.

HOUSE BILL NO. 307.

An Act appropriating money for the payment of the claims of persons, companies and corporations for expenses incurred by the Fourth

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Legislative Assembly of the State of Montana and for public printing in the year 1896.

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. That the sum of two thousand one hundred forty-five and thirteen one-hundredths dollars ($2,145.13), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the following named persons, companies and corporations for expenses incurred by the Fourth Legislative Assembly in the year 1895, and for public printing in the year 1896:

Helena Power and Light Company, account gas furnished

Fourth Legislative Assembly	$ 136 40
State Publishing Co account public printing	2,008 73
Total	$2,145 13

Section 2. The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons, companies and corporations for the amounts set down opposite their names as shown in Section One of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage.

Approved March 4, 1897.

HOUSE BILL NO. 112.

An Act appropriating money for the payment of the claim of the State Publishing Company account of public printing for the State of Montana in the year 1896.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of one thousand, one and forty-three one-hundredths dollars ($1,001.43) or so much thereof as may be necessary, be, and the same is hereby appropriated out any money in the State Treasury not otherwise appropriated, to pay the State Publishing Company account public printing for the State of Montana in the year 1896.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the said State Publishing Company for

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the sum of one thousand, one and forty-three one-hundredths dollars ($1,001.43) and the State Treasurer is directed to pay the same.

Section 3. This act shall be effective from and after its passage and approval.

Approved March 4, 1897.

HOUSE BILL NO. 105.

An Act appropriating money for the payment of the claim of James McDonald for services rendered the State from October 15, 1895 to November 30, 1895 inclusive as Janitor, other than Supreme Court.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of eighty seven and fifty-one one hundredths dollars, ($87.51) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay James McDonald for services rendered as Janitor, other than Supreme Court, from October 15, 1895 to November 30, 1895 inclusive.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the said James McDonald for the sum of eighty-seven and fifty-one one-hundredths dollars ($87.51) and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage.

Approved March 4, 1897.

HOUSE BILL NO. 98.

An Act to appropriate money for the payment of the Claim of Jas. McDonald for services rendered the State from December 1st, 1895 to November 30th, 1896 inclusive, as Janitor, other than Supreme Court.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of six hundred, ninety-nine and ninety-nine one-hundredths dollars, ($699.99) or so much thereof as may be necessary,

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be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay Jas. McDonald for services rendered as Janitor to the State, other than Supreme Court, from December 1st, 1895 to November 30, 1896 inclusive.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of said Jas. McDonald for the sum of six hundred, ninety-nine and ninety-nine one-hundredths dollars, ($699.99) and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force from and after its passage.

Approved March 4, 1897.

HOUSE BILL NO. 106.

An Act appropriating money for the payment of the claim of Lewis and Clarke County for balance due on account of State Officers in the year 1895.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of four thousand dollars, ($4,000) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay Lewis and Clarke County for balance due it under contract on account of rent of State offices in the year 1895.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the said Lewis and Clarke County for the sum of four thousand dollars ($4,000.00) and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage.

Approved March 4, 1897.

HOUSE BILL NO. 175.

An Act appropriating money for the payment of the claim of Lewis and Clarke County for balance due on account of State Offices in the year 1896.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Two Thousand Dollars, ($2,000) or so

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much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated to pay Lewis and Clarke County for balance due it under contract on account of rent of State offices in the year 1896.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the said Lewis and Clarke County for the amount specified in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 5, 1897.

HOUSE BILL NO. 250.

An Act appropriating money for the payment of the claims of certain persons, companies or corporations, account fees illegally collected during the year 1896.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand, Four Hundred Ninety-nine and Fifty one-hundredths Dollars ($1,499.50) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the following named persons, companies, or corporations, account of fees illegally collected:

Garnet Gold Mining Company	$999 75
Bald Mountain Company	499 75
Total	$1,499 50

Section 2. The State Auditor is authorized and directed to draw his warrants in favor of the persons, companies or corporations for the amount set down opposite their names as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 4, 1897.

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HOUSE BILL NO. 99.

An Act appropriating money for the payment of the claims of certain persons, companies, or corporations, account fees illegally collected during the year 1896.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of four hundred, sixty-nine and twenty-five one-hundredths dollars ($469.25) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the following named persons, companies, or corporations account fees illegally collected.

E. Sharpe, Agent	$ 99 75
North Western Mutual Life Insurance Co	99 75
Gaar, Scott and Co	170 00
Sherwood Wheaton, Agent	99 75
Total	$469 25

Section 2. The State Auditor is authorized and directed to draw his warrants in favor of the persons, companies, or corporations and for the amount set down opposite their names as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 4, 1897.

HOUSE BILL NO. 94.

An Act appropriating money for the payment of the claims for services rendered and expenses incurred by the National Guard of Montana in the year 1895.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of eight hundred ninety-five and eleven one-hundredths dollars ($895.11), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State

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Treasury not otherwise appropriated, to pay the claims for services rendered and expenses incurred by the National Guard of Montana in the year 1895, as follows:

S. M. Newbro Drug Co.	$ 5 50
Inter Mount. Pub. Co.	19 25
Inter Mount. Pub. Co.	108 50
J. R. Miller,	100 00
C. Langlois,	3 00
Salt Lake Lith. Co.	40 00
R. C. Wilson,	21 00
Helena Power & L. Co.	15 55
Com'l National Bank Boz,	40 00
Lavill Bros.	10 00
Great Northern Ry,	1 98
Mrs. J. B. Christman	6 50
J. S. Graehl & Co.	49 50
C. F. Lloyd	208 33
G. F. Marsh	20 00
Ed. Marlow	6 00
T. P. Bowman	240 00
Total	$895 11

Section 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the persons and for the amounts shown to be due each respectively as specified in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be in force from and after its passage.

Approved March 4, 1897.

HOUSE BILL NO. 108.

An Act appropriating money for the payment of claims for services rendered to the State and expenses incurred by the National Guard of the State of Montana in the year 1896.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of five hundred and seventy-one dollars

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($571.00) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay certain members of the National Guard of Montana for services rendered to the State and expenses incurred during the year 1896, as follows:

B. E. Calkins	$175 00
C. F. Lloyd,	125 00
George F. Marsh,	87 50
George F. Marsh,	47 00
F. M. Rogers,	40 00
C. D. Curtis,	32 50
John R. Miller,	25 00
Eugene Carroll,	24 00
A. G. Miller,	15 00
Total	$571 00

Section 2. The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons and for the amounts shown to be due each respectively as specified in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval.

Approved March 4, 1897.

HOUSE BILL NO. 322.

An Act appropriating money for the Trans-Mississippi Congress at Omaha in the year 1898.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of fifteen thousand dollars ($15,000.00) be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to defray the expenses of the Montana Exhibit at the Trans-Mississippi Exposition to be held at Omaha in the year 1898. Five thousand dollars of this sum to be expended in the year 1897 and ten thousand dollars to be expended in the year 1898.

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Section 2. The State Auditor is hereby authorized and directed to draw his warrant for the sum named in Section 1 of this Act and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage.

Approved March 8, 1897.

HOUSE BILL NO. 83.

An Act authorizing the Governor to appoint a Commissioner to survey and define a portion of the State line between the States of Montana and Idaho and appropriating certain moneys for the payment thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That it is hereby made the duty of the Governor of the State of Montana to appoint one Commissioner who shall be a resident of the State, a recognized and experienced surveyor who is hereby authorized to unite and act in conjunction with the Commissioner to be appointed by the State of Idaho in running, ascertaining and distinctly marking that portion of the Western boundary line of the State between the international boundary line and the summit of the Bitter Root range of Mountains, said boundary line being more particularly described as follows: From where the summit of the Bitter Root range of Mountains is intersected by the 39th degree of the longitude West from Washington, thence along the 39th degree of longitude Northward to the boundary line of the British Possessions.

Section 2. Said Commissioner shall qualify by taking such an oath as is provided by law for civil officers and shall receive as compensation for his services the sum of eight dollars per diem.

Section 3. That the defining of the boundary line shall be by running what is known as a transit line, and shall be defined by placing monuments at the international boundary line upon each bank above high water mark —of the Kootenai and Clark's Fork of the Columbia River, upon the summit of the Cabinet and Bitter Root range of Mountains, and at a distance of not more than one mile apart throughout the entire length of the boundary so to be defined. Each monument shall be of stone to contain not less than nine hundred cubic inches; be not less than twenty-four inches long, and shall have the letter "M" plainly chiseled upon its East-

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ern side and the letter "I" upon its Western side. They shall be firmly inbedded in the earth for two-thirds of their length, and surrounded by a mound of stone which shall be not more than forty inches in diameter at the base, and thirty inches in height.

Section 4. That the said Commissioner be and is hereby authorized acting jointly with the said Commissioner from the State of Idaho, to employ such assistance as may be necessary to properly discharge the duties herein imposed on them.

Section 5. It shall be the duty of said Commissioner upon the completion of this survey at a date not later than the first day of November, A. D. 1897, to make report and file a plat of said survey, duly acknowledged by the Commissioner appointed by the State of Idaho and himself, with the Governor of the State of Montana, who upon approval thereof by him, shall file it with the Secretary of State, whereupon it shall become a matter of public record.

Section 6. That the sum of Two Thousand, Five Hundred Dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any funds not otherwise appropriated to defray all of the expenses to be incurred in the carrying out of the provisions of this Act.

Approved March 1, 1897.

HOUSE BILL NO. 311.

An Act to provide for the support of the Government of the State of Montana for the fiscal years, 1897 and 1898.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby levied for State purposes upon all the property of the State liable to taxation, for the fiscal year of 1897, an ad valorem tax of two, and one-half mills on each dollar of the valuation of such property.

Section 2. There is hereby levied, for State purposes upon all property of the State liable to taxation for the fiscal year of 1898, an ad valorem tax of two and one-half mills on each dollar of valuation of such property.

Section 3. This Act shall take effect from and after its passage.

Approved March 4, 1897.

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HOUSE BILL NO. 24.

An Act to create the County of Broadwater, define its boundaries and provide for its Organization and Government.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That all that portion of the State of Montana embraced within the following boundaries shall be known as and shall be Broadwater County in the State of Montana, to-wit: Commencing in the middle of the main channel of the Missouri River opposite the mouth of Sixteen Mile Creek; thence easterly along the centre of the main channel of Sixteen Mile Creek, four miles; thence due north to the northern boundary of Gallatin County, thence due east along said line to a point where said line intersects the main channel of Sixteen Mile Creek; thence in a northwesterly direction following the summit of the Big Belt Mountains to a point upon said summit where the same is crossed by the northern boundary of Township eleven (11) North, range 2 east; thence due West to the main channel of the Missouri River; thence in a southeasterly direction along the center of the main channel of the Missouri River to the Northern boundary line of Jefferson County; thence due west along said line to a point where the same intersects the western boundary line of Township nine (9) North, range 1 West; thence due south along the line between Townships in range one and two west of the principal meridian of Montana to a point where the said line intersects the Northern boundary line of Township 3 North, range 1 West; thence along said line due east to the principal meridian of Montana; thence due south along said meridian to the Jefferson River; thence in a easterly direction along the center of the main channel of the Jefferson River to the center of the main channel of the Missouri River; thence in a northerly direction along the center of the main channel of the Missouri River to the point of beginning.

Section 2. That for judicial purposes the said county shall be attached to and become a part of the Ninth Judicial District of this State.

Section 3. That the Town of Townsend situated within the boundaries before described shall be the County Seat of Broadwater County until some other place shall be designated as provided by law, and all laws of a general nature applicable to the several counties of the State of Montana and the officers thereof are hereby made applicable to the said County

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and the officers who may be elected or appointed therein except as otherwise provided in this Act.

Section 4. That the indebtedness of Meagher County as the same shall exist on the first day of March, 1897 shall be apportioned between the County of Meagher and the County of Broadwater by first deducting from said indebtedness the amount of all moneys on hand and all moneys belonging to said Meagher County, and also deducting the value of all real and personal property within or belonging to the said County of Meagher on said first day of March, 1897 and the remainder of said indebtedness shall be apportioned between the respective counties in proportion to the amount of taxable property in Meagher County and that portion of Broadwater County heretofore within the boundaries of the said County of Meagher; said amount of taxable property to be ascertained, and said apportionment and valuation of County property to be made by a commission consisting of the Boards of County Commissioners of Meagher County and Broadwater County and the Judge of the Ninth Judicial District of the State of Montana, which said Commission shall meet at the Court House in the town of White Sulphur Springs on the fifteenth day of March, 1897, and shall take as a standard for said apportionment of indebtedness the assessment for the year 1896 as determined by the Board of Equalization of the said County of Meagher.

Section 5. That the indebtedness of Jefferson County as the same shall exist on the first day of March, 1897 shall be apportioned between the County of Jefferson and the County of Broadwater by first deducting from said indebtedness the amount of all moneys on hand, and all moneys belonging to said County of Jefferson, and also deducting the value of all real and personal property within or belonging to said County of Jefferson on said first day of March, 1897, and the remainder of said indebtedness shall be apportioned between the respective Counties in proportion to the amount of taxable property in Jefferson County and in that portion of Broadwater County heretofore within the boundaries of the said County of Jefferson; said amount of taxable property to be ascertained and said apportionment and valuation of County property to be made by a commission consisting of the Boards of County Commissioners of Jefferson County and Broadwater County, and the Judge of the Fifth Judicial District of the State of Montana, which said commission shall meet at the Court House in the town of Boulder on the 27th. day of March, 1897 and shall take as a standard for said apportionment of indebtedness the

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assessment for the year of 1896 as determined by the Board of Equalization of the said County of Jefferson.

Section 6. That the Treasurer of Meagher County and the Treasurer of Jefferson County shall each at the time of the adjustment as provided in Section 4 and 5 of this Act make out and transmit to the County Commissioners of Broadwater County a list of all delinquent taxes and amounts of all uncollected taxes within the limits of Broadwater County as above established to-wit: the Treasurer of Jefferson County for that portion of Broadwater County formerly a part of Jefferson County, and the Treasurer of Meagher County for that portion of Broadwater County formerly a part of Meagher County; provided, that no delinquent taxes due the Counties of Jefferson or Meagher County shall be considered in the adjustment of the debt as hereinbefore provided; but it shall be the duty of the respective treasurers of Meagher and Jefferson Counties to collect such delinquent taxes as may be due their respective Counties and each to turn over within thirty (30) days after making such collections, to the Treasurer of Broadwater County a pro rata share of such taxes as they may be able to collect.

It is further provided that should there be a surplus of funds in the hands of the Treasurer of Jefferson County or the Treasurer of Meagher County after the adjustment as hereinbefore provided, said surplus shall be divided between the respective Counties and the County of Broadwater in the same manner as herein provided for dividing the indebtedness.

Section 7. Upon the adjustment of said indebtedness it shall be the duty of the Commissioners of Broadwater County to cause to be made out and delivered to the County Commissioners of Meagher County and Jefferson County respectively, warrants for any amounts found due the respective Counties, which warrants upon presentation shall be endorsed by the Treasurer of said Broadwater County, "not paid for want of funds," and shall thereafter draw interest as other county warrants.

Section 8. The County Commissioners of the County of Broadwater for the purpose of paying any indebtedness which may be incurred by reason of assuming any of the indebtedness of either Meagher or Jefferson Counties are hereby authorized and empowered to cause to be issued and to sell at not less than par the bonds of said County of Broadwater in an amount equal to said indebtedness so incurred in the manner provided by law for the issuing and sale of County bonds.

Section 9. It is hereby made the duty of the respective County Treas-

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urers of the Counties of Jefferson and Meagher to transfer and pay over to the Treasurer of the County of Broadwater such moneys as may be on hand on the first day of March, 1897, in said Counties to the credit of such school districts embraced within the limits of said County of Broadwater as may have been hereby taken from said Counties of Jefferson and Meagher respectively, which said moneys so transferred shall be held by the Treasurer of said County of Broadwater to the credit and for the use of the same school districts as they formerly existed.

Section 10. The following persons are hereby appointed to fill the offices set opposite their respective names:

H. S. Hyatt.....County Commissioner
A. W. Schreiber.....County Commissioner
William H. Risk.....County Commissioner
G. E. Poole.....Sheriff
Thomas Dean.....Treasurer
B. S. Coad.....Clerk and Recorder
W. C. Whaley.....Assessor
E. H. Goodman.....County Attorney
George Lambert.....Clerk of the District Court
G. R. McDonald.....County Supt. of Schools
W. A. Jefts.....Public Administrator
John McLaughlin.....Coroner
William Wardwell.....County Surveyor

All of said officers shall have the power and perform the same duties and shall be entitled to like fees, emoluments and salaries as are provided for like officers in other counties in the same class in this State. They shall give bonds as required by law and shall enter upon the discharge of their respective duties upon the first day of March, 1897, and shall hold office until their successors are elected and qualified, the bonds given by the respective officers shall be filed with and approved by the State Auditor.

Section 11. All township, precinct and school officers and all registry agents within the limits of Broadwater County shall hold office and perform the duties thereof for the term for which they were elected or appointed until their succcessors are elected and qualified.

Section 12. The County Commissioners of said County of Broadwater are empowered and it is hereby made their duty to contract with the lowest responsible bidder for transcribing and indexing all records of prop-

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erty lying and being within the limits of the County of Broadwater, which transcripts when compiled shall be compared with the original records by the County Clerk of the County from whence they are respectively taken and when correct shall be by him so certified under his official seal and thereafter the records so transcribed and certified to shall be received and admitted in evidence in all Courts of law in this State and be in all respects entitled to like faith and credit as said original records. The County Clerks of Jefferson and Meagher Counties shall receive for their services in comparing and certifying to the correctness of the copies of said records, Six ($6.00) Dollars per day respectively, while engaged in said labor, which amounts shall be paid by the County of Broadwater on the completion thereof.

Section 13. No Court House shall be constructed by said County of Broadwater until the assessed valuation of property in said County shall exceed three Million ($3,000,000.) Dollars.

Section 14. The boundaries of Jefferson and Meagher Counties are hereby altered so as to conform to the boundaries of Broadwater County as established by this Act.

Section 15. This Act shall take effect and be in force from and after the first day of March, 1897.

Approved February 9, 1897.

SENATE BILL NO. 110.

An Act to provide for the representation of Broadwater County in the Legislative Assembly of Montana until an apportionment of representatives be made in accordance with the provisions of Article 6, Section 2 of the Constitution.

Whereas, by an Act of the Fifth Legislative Assembly of Montana duly passed and approved by the Governor, which act was entitled "An Act to create the County of Broadwater" the County of Broadwater was created and in order to comply with the provisions of Article 6 Section 2 of the Constitution of Montana and to the end that said County of Broadwater may have proper and legal representation in future Legislative Assemblies of the State of Montana, Therefore,

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the County of Broadwater shall have two (2) repre-

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sentatives and one (1) Senator in future Legislative Assemblies of Montana, until an apportionment of Representatives shall be made in accordance with Article 6, Section 2 of the Constitution of Montana.

Section 2. Provided that in order to conform to the representation as established by law, the representation of Meagher County is hereby reduced to one representative and one Senator, and the representation of Jefferson County is hereby reduced to two Representatives and one Senator.

Section 3. All acts and parts of acts in conflict with the above Section are hereby repealed.

Section 4. This act to be in force from and after its passage.

Approved March 5, 1897.

HOUSE BILL NO. 75.

An Act to extend and define the boundaries of Cascade County, and to alter the boundaries of Meagher county to conform thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All that part of the State of Montana embraced within the following boundaries shall be known as and shall be Cascade county, Montana, to-wit:

Beginning in the middle of the main channel of the Missouri River at a point on the Northern boundary of township numbered twenty-two North, of range six East; thence running West along the North boundary of townships twenty-two North to the prime Meridian of Montana; thence South along the said prime meridian to the North boundary of townships twenty-one North; thence West along the Northern boundary of said townships twenty-one North to the Western boundary of township twenty-one North of range two West; thence South to the middle of the main channel of Sun River; thence Westerly up the middle of the main channel of Sun River to the Helena Guide meridian; thence South along the Helena guide meridian to its intersection with the middle of the main channel of Dearborn River; thence down the middle of the main channel of Dearborn River to the middle of the main channel of the Missouri River; thence up the middle of the main channel of the Missouri River to its intersection with the North boundary line of townships thirteen North;

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thence East along the North boundary line of townships thirteen North to the Southeast corner of township fourteen North of range one East; thence North to the Southeast corner of township fifteen North of range one East; thence East to the Southeast corner of township fifteen North of range three East; thence North to the Northeast corner of township fifteen North of range three East; thence East along the North line of townships fifteen North to the summit of the main range of the Little Belt Mountains; thence in a Southerly direction along the summit of the main range of said Little Belt Mountains to the Northeast corner of township ten North of range ten East; thence in a Northerly direction along the summit of the divide between the waters of the Musselshell River and Sheep and Belt Creeks on the one side and the Judith River and Wolf Creek on the other side, to the North line of townships fifteen North; thence East along the North line of townships fifteen North to the Northeast corner of township fifteen North, range ten East; thence North along the East boundary line of range ten East to the South boundary line of Choteau county; thence West along the South boundary line of Choteau county to its intersection with the East boundary of township nineteen north, of range eight East; thence North along the East boundary of said township nineteen North of range eight East to the fifth standard parallel North; thence West along said fifth standard parallel North to a point in the middle of the main channel of Belt Creek; thence in a Northwesterly direction following the main channel of Belt Creek to the middle of the main channel of the Missouri River; thence along the main channel of the Missouri River to the place of beginning.

Section 2. All territory and appurtenances, within the boundaries of Cascade county as by this Act established, heretofore belonging to Meagher county, are hereby segregated from the said Meagher county, attached to, and made a part of the county of Cascade.

Section 3. The boundaries of Meagher county are hereby altered so as to conform to the boundaries of Cascade county as established by this Act.

Section 4. The indebtedness of Meagher county as the same shall exist at the time of the passage of this Act shall be apportioned between the county of Meagher and the county of Cascade, after first deducting therefrom the value of all county buildings, bridges, real estate and other property belonging to Meagher county and not included within the territory hereby segregated from Meagher county, and attached to Cascade county,

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in proportion as the assessed valuation of all property within the territory so segregated from Meagher county, bears to the assessed valuation of all property remaining within the county of Meagher, after the said alteration of its boundaries. Provided, that in the apportionment of said indebtedness the county of Cascade shall be credited with any moneys paid to Meagher county, after the creation of Cascade county upon the theory or understanding that the town of Barker or any portion of the territory hereby segregated from Meagher county was within the boundaries of Cascade county as originally formed and any such sum or sums of money with the legal rate of interest shall constitute a set-off against the lawful claims of Meagher county against Cascade county by reason of the provisions of this Act.

Section 5. The apportionment of said indebtedness shall be based upon the value of the assessable property of Meagher county for the year one thousand eight hundred and ninety-six as determined by the Boards of Equalization, and a depreciation of one per cent. per annum from the date of construction of the county buildings and improvements shall govern the estimate of the value of said county buildings and improvements, and the actual value of all county real estate, and other county property as it may exist when such apportionments is made shall govern such estimate.

Section 6. The chairman of the Boards of County Commissioners of Meagher and Cascade counties together with the Judge of the District Court of the Tenth Judicial District shall meet at the court house in the city of Great Falls on a day to be named by said District Judge, not later than June 1st, 1897, and there make apportionment of said indebtedness as provided for in this Act.

Section 7. The county of Cascade, and the county of Meagher, shall each be held to pay its pro rata share of said indebtedness so to be determined as the same shall become due and payable.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 9. This Act shall take effect and be in force from and after twelve o'clock noon of the first day of March, 1897.

Approved March 1, 1897.

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HOUSE BILL NO. 86.

An Act to extend the Boundaries of Lewis and Clarke County and to alter the boundaries of Meagher County, Broadwater County and Cascade County to conform thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All that part of the State of Montana embraced within the following boundaries, shall be known as and shall be Lewis and Clarke, to-wit: Beginning at a point where Sun River crosses the Helena Guide Meridian, thence up Sun River on the most northerly branch thereof that heads in the Rocky Mountains to the crest of the said Rocky Mountains. Thence southerly along the crest of the said Rocky Mountains to the head of Ten Mile Creek; thence along the divide between Ten Mile Creek and the waters of the North Boulder to the divide between the waters of Lump Gulch, and Ten Mile Creek; thence along said divide to the divide between the waters of Grizzly Gulch and Lump Gulch; thence along the said divide to the divide between the waters that come into Dry Gulch above Helena and the waters of Prickley Pear Creek to the north peak of the Mountains easterly from Helena known as Dry Gulch Mountains: thence due east to the Missouri River; thence along the middle of the main channel of the Missouri River to a point in said River where the present easterly boundary line of Lewis and Clarke County intersects the west boundary line of Section 32 Township 10 North of range 1 East; Thence north along said line to its intersection with Cave Gulch thence up the said Cave Gulch to the summit of the Big Belt Mountains; thence along the summit of the said mountains to the south west corner of Township 14 North, Range 1 East; thence west along the south line of Townships 14 North to the south west corner of Township 14 North, Range 1 West; thence north along the west line of Range 1 West to a point on said Range line directly opposite the Junction of the Dearborn River with the Missouri River; thence directly west to the Junction of the said Dearborn River with the Missouri River; thence up the middle of the main channel of the Dearborn River to its intersection with the Helena Guide Meridian; thence along the said Helena Guide Meridian to its intersection with Sun River, the place of beginning.

Section 2. All territory and appurtenances within the boundaries of Lewis and Clarke county as by this Act established heretofore belonging

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to Meagher county, Broadwater county, and Cascade county are hereby segregated from said counties of Meagher, Broadwater and Cascade and are attached to and made a part of the county of Lewis and Clarke.

Section 3. The boundaries of Meagher, Broadwater, and Cascade County are hereby altered to conform to the boundaries of Lewis and Clarke County as established by this Act.

Section 4. The indebtedness of Meagher County, Broadwater County, and Cascade County as the same shall exist at the time of the passage of this Act shall be apportioned between the said counties and the county of Lewis and Clarke, after first deducting therefrom the value of all county buildings, real estate and other property belonging to the counties of Meagher, Broadwater, and Cascade, and not included within the territory hereby segregated from Meagher County, Broadwater County, and Cascade, and attached to Lewis and Clarke County in proportion as the assessed valuation of all property within the territory so segregated from the said counties of Meagher, Broadwater and Cascade bears to the assessed valuation of all property remaining within the said counties of Meagher, Broadwater and Cascade after the said alteration of their boundaries.

Section 5. The apportionment of indebtedness shall be based upon the value of the assessable property of Meagher County, Broadwater County, and Cascade County, for the year 1896, as determined by the Boards of Equalization, and the actual value of all county real estate and other county property as it may exist when such apportionment is made, shall govern said estimate.

Section 6. The chairman of the Boards of County Commissioners of Lewis and Clarke County, Meagher County, Broadwater County and Cascade County together with Judge Henry of the District Court of the Sixth Judicial District, shall meet at the Court House in the City of Helena, on the day to be named by said District Judge, not later than June 1st., 1897, and there make the apportionment of said indebtedness as provided for in this Act.

Section 7. The County of Lewis and Clarke and the counties Meagher, Broadwater and Cascade, shall each be held to pay its pro rata share of said indebtedness, so as to be determined as the same shall become due and payable.

Section 8. All Act and parts of Acts in conflict with this Act are hereby repealed.

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Section 9. This Act shall take effect and be in force from and after March 5, 1897.

Approved March 6, 1897.

SENATE BILL NO. 49.

An Act entitled an Act to make a portion of the Crow Indian Reservation, in the State of Montana, a part of Yellowstone County and to alter the boundary lines of the counties of Yellowstone and Custer, so far as may be necessary to make them conform to the provisions of this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That all that portion of the Crow Indian Reservation in the State of Montana lying between the south boundary line of said Reservation and the Yellowstone River, and west of the Mid Channel of the Big Horn River, is hereby bestowed upon and made a part of Yellowstone County.

Section 2. That the boundary lines of the Counties of Yellowstone and Custer are hereby altered so far as may be necessary to make them conform to the provisions of this Act.

Section 3. Nothing in this Act shall be so construed as to in any way affect or prejudice any suit now pending in any court of the State of Montana, or in any court of the United States, by Custer County against any person or persons or corporations for the collection of taxes due from such person or persons or corporation to the County of Custer: Nor as entitling Yellowstone County to the right to collect any taxes whatsoever that may have been levied by Custer County prior to the passage of this Act on any property within the limits of the territory described in Section 1, of this Act, which said taxes are hereby declared to be due to and the sole property of Custer County; and the treasurer of Custer county shall have the right to enter that portion of territory now segregated and bestowed upon Yellowstone County and to distrain for and sell property for unpaid taxes due or to become due Custer County and to prosecute all such suits at law or in equity as may be necessary for the collection of such taxes, to the same extent and as fully as if this Act had not been passed.

Section 4. All acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 5, 1897.

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HOUSE BILL NO. 56.

An Act providing for the submission to the qualified electors of the State of Montana of an amendment to Section 4 of Article XVI of the Constitution, relating to County Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There shall be submitted to the qualified electors of the State of Montana at the next general election to be held in said State, the following amendment to Section 4, of Article XVI of the Constitution, relating to County Commissioners.

That Section 4 of Article XVI of the Constitution of the State of Montana, be amended so as to read as follows:

"Section 4. In each county there shall be elected three County Commissioners, whose term of office shall be four years; provided, that the term of office of those elected on November 3, 1896, shall expire on the first Monday in January, 1903; and provided further, that at the general election to be held in November, 1902, one Commissioner shall be elected for a term of two years, and two Commissioners shall be elected for a term of four years, whose term of office shall begin on the said first Monday in January 1903. A vacancy in the Board of County Commissioners shall be filled by appointment by the Judge of the Judicial District in which the vacancy occurs."

Section 2. The vote upon this amendment shall be counted and canvassed by such officials and in such manner as is provided by law for the counting and canvassing of the votes for Member of Congress, and if a majority of all votes cast at said election for and against said amendment shall be in favor of the amendment, the governor of the state shall immediately so declare by public proclamation, and said amendment shall be in full force and effect as a part of the Constitution from and after the date of said proclamation.

Section 3. The official ballots to be used at the next general election to be held in this State shall have printed thereon the following words in such manner as to allow every elector an opportunity to indicate thereon by proper marks, his preference to-wit: "For the amendment to the Constitution relating to County Commissioners," and "Against the amendment to the Constitution relating to County Commissioners."

Approved March 1, 1897.

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HOUSE BILL NO. 166.

An Act providing for the submission to the Electors of the State of Montana for their Approval or Rejection an amendment to Section 5., Article VIII, of the Constitution of the State of Montana, relative to Justices of the Supreme Court.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There shall be submitted to the qualified electors of the State of Montana at the next general election to be held within the State, the following amendment to Section 5., Article VIII, of the Constitution of the State of Montana, relating to the Supreme Court.

Section 2. Section 5 of Article VIII shall be amended as follows:

"The Supreme Court shall consist of three Justices, a majority of whom shall be necessary to form a quorum or pronounce a decision, but one or more of said Justices may adjourn the Court from day to day, or to a day certain and the Legislative Assembly shall have the power to increase the number of said Justices to not less nor more than five. In case any Justice or Justices of the Supreme Court shall be in any way disqualified to sit in a cause brought before such Court, the remaining Justice or Justices shall have power to call on one or more of the District Judges of this State as in the particular case may be necessary to constitute the full number of Justices of which the said Court shall then be composed, to sit with them on the hearing of said cause. In all cases where a District Judge is invited to sit and does sit as by this Section provided, the decision and opinion of such District Judge shall have the same force and effect in any cause heard before the Court as if regularly participated in by a Justice of the Supreme Court.

Section 3. The vote upon this amendment shall be counted and canvassed by such persons and in such manner as provided by law for the counting and canvassing of the vote for members of Congress, and, if a majority of all the votes cast at said election for and against said amendment shall be in favor of the amendment, the Governor of the State shall immediately so declare by public proclamation, and said amendment shall be in full force and effect as part of the Constitution from and after the date of said proclamation.

Section 4. The official ballot used at the general election held in November, 1898, shall have printed thereon the following words:

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"For the amendment to the Constitution relating to the Supreme Court," and the words "Against the amendment to the Constitution relating to the Supreme Court."

Approved March 3, 1897.

HOUSE BILL NO. 4.

An Act to provide for the use of the International Typographical Union Label on all State Printing.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All printing for which the State of Montana is chargeable, including reports of State Officers, State Boards, Pamphlets, Blanks, Letter-heads, Envelopes, and printed matter of every kind and description, save and except certificates of appointment and election to office, shall have the label of the branch of the International Typographical Union of the city in which they are printed.

Section 2. Any officer of the State who shall accept any printed matter, save and except certificates named in Section 1, for which the State is chargeable, which does not bear a label indicating that it was printed in an office under the jurisdiction of the International Typographical Union, shall be subject to a fine of Fifty Dollars for each and every offense.

Section 3. This law shall take effect and be in force from and after its passage.

Approved March 3, 1897.

SENATE BILL NO. 1.

An Act to provide for the erection, completion, furnishing and equipment of buildings for the University of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Board of Land Commissioners of the State of Montana is hereby authorized to issue bonds to the amount of one hundred thousand dollars ($100,000.00), the minimum denomination of which

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shall be fifty dollars ($50.00) and the maximum denomination shall be one thousand dollars ($1,000.00) each; said bonds to be known as the State University Bonds, which shall bear date of July first 1897 to become due thirty (30) years after date and payable after twenty (20) years after date thereof; said bonds shall bear interest at the rate of not more than six (6) per cent per annum payable semi-annually on the first day of January and July of each year at the office of the State Treasurer of the State of Montana; said bonds shall run from the State Board of Land Commissioners of the State of Montana to bearer, and shall be signed by the State Board of Land Commissioners and countersigned by the Secretary of State, who shall attach his seal thereto.

Section 2. The bonds provided for in the first section of this Act shall be issued and sold as soon as possible after the passage of this Act.

Section 3. All funds realized from the sales of licenses to cut trees, leasing of said lands, or from the profits arising from the permanent fund to be created, as provided for by section 14 of an Act of Congress, approved February 22, 1889, entitled "An Act to provide for the division of Dakota into two States, and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and State Governments, and to be admitted into the Union on an equal footing with the Original States and to make donations of public lands to such States" (said land being forty six thousand and eighty (46080) acres, granted to the Territory of Montana by the Act of February 18, 1881 and vested in the State of Montana by the Act of February 22, 1889) for the establishment and maintenance of a University; are hereby pledged as security for the payment of the principal and interest of the bonds authorized by this Act, and all revenue or profits derived from the said lands or said permanent fund to be created, or any of them, whether on account of lease, sales of licenses to cut trees, or otherwise, are hereby set apart and shall constitute a fund for the payment as hereinafter provided of the principal and interest of the said bonds, which bonds shall be a first lien on said University Bond Fund.

Section 4. It shall be the duty of the State Treasurer to keep all moneys derived from the University lands hereinbefore mentioned in a separate fund, to be known and designated as the University Bond Fund and out of the moneys of such fund, he shall pay after approval by the State Board of Examiners:

First: The cost and expenses of issuing of the bonds herein provided for—

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Second: The interest on the bonds herein authorized when due and,

Third: When bonds shall become payable, he shall call in and pay them as rapidly as the moneys in such fund will permit after providing for the interest. That in the event there shall not be sufficient funds in the University Bond Fund to pay the interest when due, the State Board of Examiners shall, by an order entered upon their minutes cause warrants to be issued on the University Bond Fund for the amount of the interest due, and the warrants so issued shall draw interest at the rate of six (6) per cent per annum, and said warrants shall be paid by the Treasurer as soon as sufficient funds accumulate in said fund to pay the same, and by reason of the delivery of the said warrants to the holders of the said bonds in satisfaction of the accrued interest, there shall be no default in the payment of the interest.

Section 5. It shall be the duty of the State Treasurer to give notice, by advertising for not less than two (2) weeks daily in one newspaper, published in the city of Helena, Montana, and in one newspaper published in the city of New York that he will on April fifth, 1897 sell one hundred thousand dollars ($100,000.00) of the bonds herein authorized and will receive bids therefor and said bonds shall on said day be by him sold to the highest bidder: Provided, that the State Board of Education shall open all bids and shall have the right to reject any or all bids. If no bids are then received and accepted said bonds may then be sold afterwards at private sale, provided however, that none of the said bonds shall at any time be sold at less than par.

Section 6. The moneys derived from the sale of the said bonds shall be used to erect, furnish and equip buildings for the use and benefit of the University of Montana at the City of Missoula in said State, and shall by the State Treasurer be paid out on the warrants of the building commission of said University as hereafter provided.

Section 7. There is hereby created a building commission to be composed of five persons to be appointed by the Governor of the State, no more than two of whom shall be of the same political party and all residents of the City of Missoula, who shall serve without compensation, whose duty it shall be to contract for the erection and furnishing of suitable buildings for the use and benefit of the University of Montana, the said commission shall have charge and supervision over the construction of said buildings and all things pertaining thereto; and shall have authority from time to time to draw their warrants on the Treasurer of the State

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of Montana for such sum or sums as may be due any contractor or employee engaged in and about the erection of the said buildings which warrants shall be paid by the said State Treasurer out of any funds in his hands arising from the sale of bonds provided for in this act. Said Building Commission is hereby authorized to employ an architect and such other assistants as it may deem necessary in preparing the plans, specifications and superintending the construction of said building and the expense thereof shall be paid out of the funds as hereinbefore provided for the erection of said buildings, provided that all architects, superintendents and contractors shall be citizens of the State of Montana. Said Commission shall make report from time to time, to the stated meetings of the State Board of Education, of the progress of said work and the expenditures therefor.

Section 8. The State of Montana shall in no wise be held liable for the payment of the bonds herein authorized or interest thereon.

Approved March 4th, 1897.

HOUSE BILL NO. 1.

An Act to create a Board of Text Book Commissioners for the purpose of establishing a uniform series of text-books for the public schools of Montana and to regulate the supply of the same, defining the duties and powers of said Board, and to appropriate for their expenses a sum of money therein named.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Superintendent of Public Instruction, the Attorney General, the President of the University, the President of the Agricultural College and three public school teachers actively engaged in public school work of the State, which said teachers shall be appointed by the Governor shall constitute a State Board of Text-book Commissioners, and who shall perform the duties hereinafter provided, and the Superintendent of Public Instruction shall be chairman of such Board.

Section 2. The State Board of Text-book Commissioners shall meet at the office of the Superintendent of Public Instruction in the City of Helena, Montana, on the first Monday of May, 1897, for the purpose of selecting and adopting a uniform series of text-books for use in all public

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schools of the State. The said Board shall appoint a secretary from one of their members, and shall have power to formulate rules for its own government, and five members thereof shall constitute a quorum.

Section 3. Immediately upon the approval of this act, the superintendent of Public Instruction shall advertise for thirty (30) days in two (2) daily newspapers published in the State, giving notice that the State Board of Text-book Commissioners will meet, as herein aforesaid and receive sealed proposals up to twelve o'clock noon of said day for supplying the State of Montana with a uniform series of text-books for use in all the public schools of said State, for a term of six years from and after the first day of September, A. D. 1897, in the following branches, viz: Spelling, Reading, Supplementary Reading, Writing, Arithmetic, Geography, Grammar, Physiology and Hygiene, Civil Government, History of the United States, and in all other branches taught in the graded and common schools of the State. Said sealed proposals shall be addressed to the chairman of the State Board of Text-book Commissioners, Helena, Montana, and shall be endorsed "sealed proposals for supplying text-books for use in the State of Montana." Said proposals shall state the net wholesale price at which the publishers whose books may be adopted by the said text-book commission, will agree to deliver the same in the city of Chicago, F. O. B. cars to merchants in Montana or school districts purchasing the same. They shall also state the exchange price for the new books adopted in exchange for the old books in the hands of the pupils that may be displaced, grade for grade and will further state a retail price at which the text-books so adopted shall be sold uniformly in at least one place in each county throughout the State. The publishers contracting and agreeing to supply books for use in the State of Montana under the provisions of this act, will cause to be prepared a special map and special supplement descriptive of Montana for the Geography adopted by the said Commission. They will also cause to be prepared a special supplement descriptive of Montana for the Geography adopted by the said Commission. They will also cause to be prepared a special supplement for Montana for the Civil Government adopted, which supplement shall contain not less than thirty pages. They shall further, agree to maintain the mechanical excellence of the books adopted by said Commission, at least equal to the samples submitted, in respect to binding, printing, quality of paper, and other essential features; and the books shall be of the latest revised editions. The map and special descriptive Geography of Montana shall be revised every three years by the publisher.

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Section 4. It shall be the duty of the said Board of Text-book Commissioners to meet at the time and place mentioned in said notice and open said sealed proposals in the presence of a quorum of said Board, and in public, to select and adopt such text-books for use in the public schools as in their opinion will best subserve the educational interests of the State. The series of text-books so selected and adopted by the said Board of Text-book Commissioners shall be certified to by the Chairman and Secretary, and said certificate with a copy of all the books named therein shall be placed on file in the office of the State Superintendent of Public Instruction. Such certificate must contain a complete list of all the books adopted by the said board, giving the wholesale, retail and exchange prices for which each kind and grade will be furnished, as provided in the preceding section, and the name of the publisher agreeing to furnish same. The said books named in said certificate shall for a period of six (6) years from and after the first day of September, eighteen hundred and ninety-seven, be used in all the public schools of the state to the exclusion of all others.

Section 5. The said Board of Text-book Commissioners shall have power to make such contracts and agreements with publishers as they shall deem necessary for the best interests of the public schools of the State, and shall require of all publishers contracting and agreeing to furnish books adopted by the said Board of Text-book Commissoners bonds equal in an amount to one-half of the value of the books to be furnished, and for the faithful performance of the conditions of the said contract; Provided, that the publishers contracting with the said Board of Text-book Commissioners shall agree to give the State of Montana the benefit of any reduction that may hereafter be made in the price of any book adopted by them and during the life of said contract; Provided further, that the said Board of Text-book Commissioners may at their discretion, reject any and all proposals, if it is deemed by them to be to the interests of the State so to do, and they shall advertise for new proposals stating the time when such proposals will be received by them, not later however than thirty days from the rejection of the first proposal: Provided further, that the contract prices of such text books shall not exceed the lowest wholesale price charged for the same book in Chicago, F. O. B. to any State in the United States.

Section 6. The contract with the publishers shall take effect only when the publishers of the books adopted by said Text-book Commission shall have filed with the Secretary of State, their bond, with at least sufficient sureties, to be approved by the Governor in such sum as shall be de-

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termined by the said Board of Text-book Commissioners; conditioned, that they shall comply with the terms of their proposal to the State and such further conditions as may be agreed upon between the said Board of Text-book Commissioners and the publishers contracting with the State.

Section 7. In case the publishers of the books adopted by said Board of Text-book Commissioners shall not, on or before the first day of July, A. D. eighteen hundred and ninety-seven, have filed with the Secretary of State their bond as hereinbefore provided, or in case they shall not on or before the first day of July, A. D. eighteen hundred and ninety-eight, have performed all the obligations of their bonds, with respect to the exchange and introduction of books, and the preparation and supply of the special map and special descriptive matter for the Geography so adopted, or the special supplement for the civil government, or in case they shall at any time thereafter violate or fail to perform any of the conditions specified in their bond as hereinbefore provided, and shall fail within a reasonable time after due notice shall have been given them by the State Superintendent of Public Instruction to make good their guarantee in any respect in which they may have failed, then this adoption shall become null and void. The said text-books adopted by the said Text-book Commission under this Act, and upon compliance by the publishers of the conditions aforesaid shall continue in use for the period of six (6) years from the first day of September eighteen hundred and ninety-seven, to the exclusion of all others, and until otherwise provided by Statute.

Section 8. Whenever the publishers of the books adopted under the provision of this bill shall have filed their bond, as hereinbefore provided for, it shall be the duty of the State Superintendent of Public Instruction to cause all prices of the text-books as guaranteed by the publishers to be properly printed and distributed through the county superintendents to the trustees of all school districts in the State who shall cause the same to be kept constantly posted in a conspicuous place in each school room in their district, and it shall be the duty of the several county superintendents to keep themselves informed as to whether such prices are actually maintained by the said publishers.

Section 9. Any school officer, teacher or trustee who shall use or provide for the use in any of the public schools of the State, of text-books other than those adopted by the said State Board of Text-book Commissioners shall be deemed guilty of a misdemeanor.

Section 10. All county Superintendents and school officers are charged with the execution of this law, and the County School Superintendents

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shall require the trustees of the several school districts, or the clerks thereof, to report annually whether or not the authorized text-books are used in their schools.

Section 11. Upon petition of ten (10) legal voters of any school district other than in incorporated cities, and upon petition of one hundred (100) legal voters in incorporated cities, towns and villages filed with the Board of Trustees or Board of Education, as the case may be, fifteen days preceding a regular annual election of trustees or members of the Board of Education, it shall be the duty of the Board of Education or the School Trustees, as the case may be, to notify the voters of such school district that an election "for" or "against" free text-books will be held at next ensuing election for members of the Board of Education or School Trustees, and the ballots to such effect shall be received and canvassed at such election; and if a majority of all the votes cast in the district shall be found by such vote to be in favor of free text-books, it shall be the duty of the trustees or Board of Education, as the case may be, to purchase at the expense of such school district all the text-books required for the use of the pupils attending school in such school district; and such text-books shall be loaned to the pupils of said public school, free of charge, subject to such rules and regulations as to care and custody as the Board of Education or School Trustees may prescribe; Provided that, pupils may purchase at cost any of the text-books so furnished, when desired by them.

Section 12. That for the purpose of raising money to pay for school books which may be furnished to pupils free by any district adopting free text-books a special levy on the taxable property of said district shall be made by the County Commissioners of the County on estimates furnished by the school trustees of the district, if the money received from the district from the general fund be insufficient, and said levy shall be made within thirty days from, and after the adoption of said free text-books in any district that has by majority vote adopted the same and when so made the tax so levied shall be collected in the same manner as other taxes are collected.

Section 13. The said Board of Text-book Commissioners provided for by this act, except the State Superintendent of Public Instruction, the Attorney General, President of Agricultural College, President of University of Montana, shall receive the sum of six dollars per diem for each day necessarily engaged in transacting business, and while in session, and ten cents per mile each way for each mile necessarily traveled, and there

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is hereby appropriated the sum of one thousand dollars ($1,000), or so much thereof as may be necessary to carry out the provisions of this Act.

Section 14. All acts and parts of acts in conflict with the provisions of this Act, be and the same are hereby repealed.

Section 15. This Act shall take effect and be in force from and after its passage and approval.

Approved March 1st, 1897.

HOUSE BILL NO. 17.

"An Act to further protect underground miners."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It is the duty of any person, company or corporation, who shall have sunk on any mine a vertical or incline to a greater depth than one hundred feet, and who shall have the top of such shaft or hoisting opening covered or enclosed by a shaft or building which is not fire-proof, and who shall have drifted on or along the vein or veins thereof, a distance of two hundred feet or more, after cross cutting to the same, and shall have commenced to stope, to provide and maintain to the hoisting shaft or the opening through which men are let into or out of the mine and the ore is extracted, a separate escapement shaft, raise, or opening, or an underground opening or communication between every such mine and some other contiguous mine, provided, that in case such contiguous mine belongs to a different person, company, or corporation, the right to use the outlet through such contiguous mine, in all cases when necessary, or in cases of accident must be secured and kept in force. Where such an escapement shaft or opening shall not be in existence at the time that stoping is commenced, work upon such an escapement shaft or opening must be commenced as soon as stoping begins and be diligently prosecuted until the same is completed, and said escapement shaft, raise or opening shall be continued to and connected with the lowest workings in the mine. The exit, escapement shaft, raise, or opening provided for in the foregoing paragraphs must be of sufficient size as to afford an easy passage way, and if it be a raise, or shaft, must be provided with good and substantial ladders from the deepest workings to the surface. Whenever the exit or outlet herein provided for is not in a direct or continuous course, sign-

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boards plainly marked showing the direction to be taken must be placed at each departure from the continuous course.

Section 2. This Act shall apply only to quartz mines in which nine or more men are employed underground, and shall not apply to mines not actually extracting ores, by stoping, nor to mines in which the shaft or hoisting opening, or hauling way is not covered by a shaft house, and has no building structure within thirty (30) feet of the shaft or opening, nor to mines in which the hoisting shaft or opening shall be covered by or enclosed in a fire-proof shaft or building.

Section 3. The penalty for violating any of the provisions of the preceding Section is the same as provided in Section 705 of the Penal Code.

Section 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 5. This Act shall take effect and be in force from and after its passage.

Approved March 1st, 1897.

HOUSE BILL NO. 22.

An Act Regulating the hours of labor of Hoisting Engineers and fixing the penalties for violation thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall hereafter be unlawful for any engineer or other person to run or operate for more than Eight hours in twenty-four hours, any first motion or direct acting hoisting engine, in use in any mine, or to run or to operate for more than said length of time any geared or indirect hoisting engine at any mine in which fifteen or more men are employed underground.

This Act shall only apply to such plant or plants as are in operation sixteen or more hours in twenty-four hours.

Section 2. It shall hereafter be unlawful for any mine owner, lessee, company or corporation, operating or conducting any mine, to hire or employ any engineer or other person to run or operate for more than eight hours in twenty-four hours, any first motion or direct acting hoisting engine in use at any mine. Or to hire or employ any engineer or other person to run or operate any geared or indirect acting hoisting en-

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gine, at any mine employing fifteen or more men underground. This Act shall only apply to such plants as are specified in section one of this act Provided, however, That the provisions of this Act shall not apply to any engineer or person, who temporarily operates any of the engines mentioned, for more than eight hours in one day, when from sickness or other unforseen cause the person regularly employed is unable to operate the same.

Section 3. Any person, company or corporation, violating the provisions of this Act, shall upon conviction, be punished by a fine of not less than ten nor more than one hundred dollars; and each and every day that any person, company or corporation violates the same shall constitute a separate and distinct violation and shall be punishable as such.

Section 4. Sections 3370, 3371, and 3372, of Article II, of Chapter XX, of Part III, Title VII of the Political Code, and all acts and parts of acts, in conflict with this act, are hereby repealed.

Approved February 19th, 1897.

HOUSE BILL NO. 53.

An Act to prevent the sale of liquors on credit.

Be it enacted by the Legislative Assembly of the State of Montana.

Section 1. It shall hereafter be unlawful for any person to sell any wine, rum, brandy, gin, whiskey, beer, ale or any other spiritous, vinous, mixed liquors, fermented liquors, or malt liquors at retail, to any person or persons on time or credit; Provided, that the word retail as herein employed shall be construed to mean by the glass or drink.

Section 2. Any person or persons selling any liquors as mentioned in the preceding Section, on credit, to the purchaser shall have no remedy at law or otherwise for the recovery of the purchase price thereof, and all such contracts of sale of liquors as aforesaid shall be null and void.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1897.

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HOUSE BILL NO. 267.

An Act to authorize the issuance of certificates of stock to bearer by corporations organized in whole or in part for mining purposes with capital stock non-assessable and full paid, to define the rights of the holders and bearers of such certificates and to authorize such corporations to do such acts as may be necessary or proper to carry into effect the rights and powers granted them by this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any corporation now existing or hereafter created or organized under or by virtue of the laws of the State of Montana and having a capital stock non-assessable and fully paid within the meaning of the laws of this State, and whose object or purpose, in whole or in part, is to carry on the business of mining within this State, shall have the power to and may, by a vote of its stockholders, holding at least three-fourths of its capital stock, authorize or provide for the transfer and issue of certificates of stock which shall entitle the holder or bearer to the ownership of the same upon delivery and without transfer by endorsement or on the books of such corporation, subject, however, to the by-laws of the corporation and the provisions of this Act, but no such transfer or issue shall be made except upon surrender and cancellation of the certificate or certificates so to be transferred; and all bearer certificates so issued shall be delivered to and receipted for on the books of the Company, by the stockholder or his authorized agent at whose request such transfers shall be made; and thereafter, so far as the corporation is concerned, the bearer of any such bearer certificate shall for all purposes except that of holding office, be deemed a stockholder of the Company, owning and holding the number of shares of its capital stock represented by such bearer certificate, and the stock or shares of stock thereby represented shall be listed to bearer on the list of stockholders and other books of the Company.

Section 2. Any corporation which shall have issued bearer certificates may establish agencies in other States and in foreign countries whereat holders or bearers of bearer certificates may, under such regulations as the corporation shall prescribe, register and deposit their bearer certificates of stock for voting purposes. Such corporation shall have the right to appoint and prescribe the duties of, fix the compensation and remove at pleasure its agent or agents at such agencies, and also to establish rules

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and regulations for registering and depositing bearer certificates of stock, and may at any time close up or terminate any such agency. Whenever at any meeting of the stockholders of such corporation for election or other purposes any such agent shall certify to the corporation in such manner as it may prescribe, that there is registered and deposited with him, to be held by him until after the meeting for which such registration and deposit shall have been made, a bearer certificate or certificates describing each by its face number, number of shares represented and date of issue, and stating when and by whom deposited, the person who shall have made such deposit, may, in writing attested by such agent, appoint some suitable person to represent him at such meeting as his proxy and there vote the shares of stock represented by his said bearer certificate or certificates so deposited; and thereupon the person to whom such proxy shall have been given may vote the shares of stock represented by such bearer certificate or certificates in all matters and things upon which votes are cast or had at such meeting.

Section 3. It shall not be necessary for the corporation or its officers or trustees or directors to give any personal notice or notice by mail to holders or bearers of such bearer certificates of any meeting of stockholders for the purpose, of electing trustees or directors, or for any other purpose, or of any action taken or proposed to be taken by such corporation or its stockholders or its trustees or its directors at any meeting, but such notice may, in every case, be given to such holders or bearers of bearer certificates by publication in a newspaper as now provided by law and shall be valid and binding. Every holder of a bearer certificate shall be held to have waived any notice of any stockholders meeting for any purpose, or of any action or proposed action of the corporation or its stockholders or trustees or directors except notice by publication in some newspaper when it is required by law.

Section 4. Except as herein provided stock or shares of stock represented by a bearer certificate can only be voted or represented by actual production of such bearer certificate at the time of voting or representation and by the bearer thereof. In all cases the actual production of a bearer certificate shall, so far as the corporation is concerned be conclusive evidence of the bearer's right to vote or represent the shares it represents.

Section 5. Dividends to holders of bearer certificates shall only be paid to the bearers thereof upon production of such certificates, except where such certificates of stock have attached to them dividend coupons

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payable to bearer, in which case dividends may be paid to the bearer of the proper dividend coupon upon its presentation and surrender without the production of the certificate to which such dividend coupons belonged.

Section 6. Bearer certificates may at any time be converted into registered certificates such as are now provided for by law, upon the request of the bearer of such bearer certificates and the surrender of such bearer certificates to the corporation and the cancellation thereof; and registered certificates may also be converted and exchanged for bearer certificates at the request of the owners of such registered certificates and the surrender and cancellation thereof.

Section 7. The corporation may do all acts and adopt all by-laws and resolutions necessary or proper to carry into effect the powers herein granted and to provide for details in the exercise thereof, subject, however, to the provisions of this Act.

Section 8. This act shall take effect from and after its passage.

Approved March 8, 1897.

HOUSE BILL NO. 266.

An Act to define the powers and duties of County Surveyors, and to provide for their compensation, and to abolish the office of Road Supervisor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be the duty of the county surveyor of each county of the State:

I. To divide his county into suitable road districts, of such size and form as he shall deem best for the purpose of carrying out the provisions of this Act;

II. To define each and every public highway in his county, and file with the county clerk maps of all such roads of which no maps are already on file, and to open or cause to be opened all public highways which have been, or which may hereafter be laid out and established according to law, and to survey and properly define the same.

III. To take charge of the highways within his county, and to keep them clear from obstructions, and in good repair.

IV. To cause banks to be graded, bridges and causeways to be made

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when necessary, to keep the same in good repair and renew them when destroyed.

V. To make or cause to be made all plans and specifications for each and every bridge and road hereafter to be built or constructed, and to examine and report to the Board of County Commissioners of his county on all work when completed, and if said work is properly done according to the plans, specifications and contract, then said County Surveyor shall draw his voucher for the same, and if said work was done under contract, then a copy of such contract shall accompany such voucher.

VI. To do and perform such other duties as are hereinafter provided in this Act.

Section II. Any ten residents of a Road District may petition in writing the county surveyor of the county to alter or discontinue any highway, or to lay out a new highway therein. On receipt of a petition to alter, discontinue, or lay out a new road within his county, as is above provided, it shall be the duty of the county surveyor of the county to send two notices to one of said petitioners to post, which notices are to be posted, one at the beginning and one at the termination of the road which it is proposed to alter, discontinue, or lay out, and the county surveyor shall post a like notice at the door of the county clerk's office of said county. Each of said notices shall contain a description of the route of the road which it is proposed to alter, discontinue or lay out, and shall state the place of beginning of the same and the termination thereof. The chairman of the Board of County Commissioners, upon three days notice from the county surveyor shall name one person to act as viewer of said road in behalf of said board, and such person shall be notified by registered mail by the county surveyor to present himself at the place of beginning of said road at the time stated in said notice, to view said road in company with the County Surveyor, and one of the petitioners for said road who shall have been duly appointed a viewer by the county surveyor, and notified in like manner. Before beginning the view of any road, the county surveyor shall require sworn proof of the posting of the notices herein provided for, and all notices shall be given at least ten and not more than forty days before the viewing of any road is made.

Section III. After said viewers chosen as above provided have been sworn they shall proceed to view the road which it is proposed to alter, lay out or discontinue. If the petition asks for the laying out of a new road and after having viewed said proposed road, said viewers approve of the same, they shall immediately survey said proposed road, the county

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surveyor to be assisted by the other viewers in the making of such survey.

Section IV. In case any person appointed as a viewer as above provided, for any reason be unable to assist in the viewing or in the surveying of any road, then and in such case the county surveyor and the remaining viewer may appoint some other suitable person to assist them in the performance of their duties.

Section V. All roads hereinafter constructed shall be sixty feet wide, unless otherwise determined by the board of viewers viewing the same and approved by the board of county commissioners.

Section VI. The county surveyor shall be chairman of all boards of viewers, and shall keep a full and accurate account of the proceedings of all such boards, of all roads altered or discontinued, and of all roads laid out, naming the same, and shall give the place of beginning and length of all proposed roads, how they are defined, their marks and corners, the grades, the character of ground, the land or premises over or through which any proposed road is to pass, the damages if any to the owner of the land over which the proposed road is to run, who acted with him as viewer, day or days engaged in viewing road, with all dates, together with the proof of posting of notices, all of which the county surveyor shall report to the board of county commissioners, together with any suggestions as to the advisability of altering, discontinuing or laying out any proposed road, and with an estimate of the probable cost of the same. This report shall be made within fifteen days after the view of any road is had, as herein provided, and all such proceedings to view, lay out, discontinue, or alter any road, shall be submitted to the board of county commissioners, and must be approved or rejected by them.

Section VII. The county surveyor shall be the general superintendent of all roads within his county and of the construction and alteration of all roads hereafter built or altered, and of all other work required to be done by him.

Section VIII. The county surveyor shall have power to employ suitable laborers, teams and implements necessary in the performance of any work required to be done by him under the provisions of this Act, and to appoint some person as manager of such work, who shall at all times be under the orders and control of the surveyor of roads, and to receive labor in payment of the special road tax as is by law provided.

But no person employed as manager shall receive more than three dol-

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lars per day and no such manager shall have less than five men under his direction at one time except in the case of an obstruction when if necessary a greater or less number than five men may be employed, and shall not expend in money or labor, or both, to exceed the sum of $100.00 without an order from the chairman of the county commissioners.

Section IX. The county surveyor shall have power to contract for the performance of any work required to be done by him, the cost of which shall not exceed in all the sum of One Hundred Dollars. And for the doing or performance of any work required to be done by him the cost of which when completed shall exceed the sum of One Hundred Dollars; the county surveyor shall have power to contract with the approval of a majority of the Board of County Commissioners of his county.

Section X. The county surveyor shall at the close of each quarter make to the Board of County Commissioners of his county an accurate and concise report of all roads and bridges and of their condition and needs.

Section XI. The county surveyor shall at all times keep himself informed as to the amount of money on hand and available in the general road fund, and at no time shall he exceed such amount without the consent of the Board of county commissioners.

Section XII. The county surveyor shall keep a record of all surveys made or caused to be made by him, and shall send a full report of each survey, together with the field notes and plat of the same to the Board of County Commissioners of his county, to be recorded in the book provided for the keeping of records of roads.

Section XIII. The county surveyor of each county shall receive as full compensation for the performance of his duties as county surveyor, in connection with the roads and otherwise, the sum of five dollars per day; provided, that said compensation shall not exceed:

In counties of the eighth class, seven hundred and fifty dollars.
In counties of the seventh class, eight hundred dollars.
In counties of the sixth class, one thousand dollars.
In counties of the fifth class, twelve hundred dollars.
In counties of the fourth class, fourteen hundred dollars.
In counties of the third class, sixteen hundred dollars
In counties of the second class, eighteen hundred dollars.
In counties of the first class, two thousand dollars.

Said compensation to be paid quarterly by the Board of County Commissioners after the accounts of said surveyor have been examined and ap-

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proved by said Board, and said surveyor must, before the commissioners shall issue any warrants for any services rendered under this Act, file with the said board an itemized account under oath.

Section XIV. Viewers other than the county surveyors, and all assistants of any county surveyor shall receive not to exceed three dollars per day for each day engaged or employed.

Section XV. It shall be the duty of the county surveyor to make all maps provided for in section 3732 of the Political Code without extra charge.

Section XVI. The office of road supervisor is hereby abolished. Any and all Sections of Chapter 2 of Title VI, of Part III, of the Political Code relating to the powers and duties of road supervisors are hereby made applicable to county surveyors in so for as the same are not inconsistent with any of the provisions of this Act.

Section XVII. All bills for road work must be presented, sworn to, audited and allowed, as other claims against the county.

Section XVIII. All Acts or parts of Acts in conflict with any provisions of this Act are hereby repealed.

Section XIX. This Act shall take effect and be in force from and after its passage.

Approved March 4, 1897.

HOUSE BILL NO. 189.

An Act relating to Interest upon Warrants of Cities and Towns.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. When any warrant, drawn upon the treasurer of a City or Town pursuant to any ordinance or resolution or direction of the council of such city or town, is presented to the city or town treasurer for payment, and the same is not paid for want of funds, such treasurer must endorse thereon "Not paid for want of funds," annexing the date of presentation, and sign his name thereto; and from that time until such warrant is called for payment the warrant shall bear interest at a rate fixed by ordinance and not to exceed six per cent per annum.

Section 2. When there are moneys in the city or town treasury applicable to the payment of any warrants drawing interest, sufficient to pay

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the same, the city or town treasurer must give notice in some newspaper published in such city or town, or if none is published therein then by written notice posted in a conspicuous place on the outer door of the office of the city treasurer, stating that he is ready to pay the said warrants, and giving the number of the warrants to be paid. From the time of the first publication or posting of such notice, the warrants so called shall cease to draw interest.

Section 3. Upon the presentation of any warrant or warrants endorsed, as specified in Section 1, it shall be the duty of the city treasurer to record the same in a book to be provided for that purpose, the date of such presentation, the number and date of the warrant, to whom payable, the fund on which drawn, and the amount thereof, and all warrants to be redeemed, as provided for in Section II of this Act, shall be redeemed in the order of their registration, beginning with the date of the warrant so first registered.

Approved March 3rd, 1897.

HOUSE BILL NO. 258.

An Act to provide for the licensing of Insurance Companies, Associations, and Societies and doing business in the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Corporations, Associations, and Societies organized to do the following described business are insurance corporations within the meaning of this Act.

First; To insure against loss or damage by fire, lightning, tornadoes or hail, all kinds of buildings, merchandise, household furniture and other property.

Second; To insure the lives and health of persons, and to grant, purchase or dispose annuities.

Third; To insure against injuries, death or disablement of persons resulting from traveling, or from accident by land or by water; to insure against employees liability to employers, and of employers liability to employees; to insure the lives of horses, cattle or other live stock; to insure plate glass against breakage or steam boilers against explosion and against loss or damage to life or property resulting therefrom: against loss

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by burglary or theft, or both; and against the risks of navigation and transportation.

Foreign insurance Corporations, Associations and Societies shall include every insurance corporation, association and society organized under the laws of the United States of America, for any state or territory of the United States of America other than this, or any other nation, government or country.

Domestic insurance corporations, associations and societies shall include every insurance corporation, association and society organized under the laws of this state.

Section 2. All insurance corporations, associations and societies as hereinbefore specified in the preceding section, before commencing to do business in the State of Montana, shall be required to secure a license authorizing them to transact business of insurance corporations, associations or societies, and shall pay to the State Auditor for such license the following fees;

For a license to collect in any one year premiums amounting to the sum of five thousand dollars or less, one hundred and twenty-five dollars.

For a license to collect in any one year premiums over the sum of five thousand dollars, the sum of twenty dollars for each and every one thousand dollars to be so collected;

Section 3. The State Auditor, upon the payment of the fees enumerated in the preceding section shall issue in duplicate a license as therein provided, one copy of which shall be forthwith filed in the office of the State officer having jurisdiction over and charge of enforcement of the laws of the State of Montana, pertaining to insurance corporations.

Section 4. All licenses issued under this Act shall expire on the thirty first day of March of each year.

Section 5. Nothing in this act shall be construed in permitting any insurance corporation, association or society to do business in the State of Montana even when in possession of the license provided for herein unless such corporation, association or society shall have complied with the laws of the State of Montana now in force or which may hereafter be enacted.

Section 6. Every foreign insurance corporation, association and society which may hereafter desire to engage in the business of insurance in this State shall first pay as a fee for filing the documents provided for in Section 670 of the Civil Code of Montana, the sum of Three Hundred

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Dollars, and if any person or persons, agents, officers or trustees, of any corporation, association and society doing any insurance business shall cause to be issued or procured, received or forwarded, applications for insurance, or delivered policies for any company or companies or associations of persons not having complied with the provisions of this act, or shall adjust any loss, or in any manner either directly or indirectly aid in the transaction of insurance with any such company, in this State, or in any way violate the provisions of this Section shall upon conviction be deemed guilty of felony.

Section 7. If any officer, trustee, agent, or other person shall directly or indirectly, collect any premium for any insurance company where such company has failed to obtain a license as provided for in this act; or where such company shall have failed to obtain a license as provided for in this act; or where such company has collected premiums in excess of the amount already provided for in the license already obtained and shall have failed for a period of forty-five days after collecting such excess to obtain the additional license provided for by the provisions of Section 2 of this Act, such person upon conviction thereof shall be deemed guilty of a misdemeanor.

Section 8. Before transacting any fire, life or other indemnity or insurance business, each and every agent, firm or corporation acting as agent, solicitor or representative of such corporations, or associations, shall procure annually from the State Auditor a certificate of authority or license as an agent, solicitor or representative of each corporation or association represented by him or them, and which certificate shall terminate or expire on the thirty-first day of March of each year unless sooner revoked or terminated as otherwise provided, for which a fee of five dollars for each certificate shall be paid to the State Auditor.

Section 9. Nothing in this act shall be construed as affecting fraternal associations or Secret societies, which may insure the lives of their members only.

Section 10. All acts and parts of acts in conflict with this act are hereby repealed.

Section 11. This act shall take effect from and immediately after its passage.

Approved March 4th, 1897.

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HOUSE BILL NO. 268.

An Act to Prohibit Insurance Corporations Authorized to do Business in the State of Montana, from placing or causing to be placed, except through Duly Licensed Agents in this State, Insurance on Property or Persons in this State, and providing Penalties for a violation of the provisions herein contained.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be unlawful for any fire insurance corporation legally authorized to transact business in the State of Montana, to write, place, or cause to be written or placed, any policy or contract of indemnity of insurance upon property situate in the State of Montana, in or through any such legally authorized corporation outside of the State of Montana, or in or through any other corporation outside of the State of Montana, or to adjust, settle or pay, or cause to be adjusted, settled or paid any loss arising from any contract of indemnity or insurance, except those made through a duly licensed agent of the insurance corporation, resident in the State of Montana.

Section 2. Any corporation or corporations violating the provisions of the first section of this Act, upon notice and satisfactory proof thereof being made to the State Auditor, shall have its or their authority to transact business in the State of Montana, revoked for a period of not less than ninety days, and any Insurance Corporation whose license to do business may be revoked by the State Auditor, shall not again be permitted to do business in the State of Montana until all taxes and penalties due thereon shall have been paid, together with any expenses that may be due under the provisions of this Act to the State Auditor, and such corporation shall be only re-admitted to transact business in the State of Montana upon a complete compliance with the laws now in force in regard to the admission of insurance corporations to do business in Montana. And no action shall be maintained in the courts of this state upon any policy or contract of indemnity or insurance written or placed in violation of the provision of this Act.

Section 3. When notice of the violation of the first section of this act is received by the State Auditor it shall be his duty, in person or by deputy, to forthwith visit the office of such corporation or corporations where

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such contract of insurance may have been written or made and demand an inspection of the books and records of such corporation or corporations.

Any corporation or corporations refusing to exhibit its or their books and records for his inspection shall be deemed guilty of a violation of the provisions of this act, and the penalty provided in this act shall be immediately enforced against such corporation or corporations by the State Auditor.

Section 4. The State Auditor shall receive as a compensation for the services rendered under the provisions of this act his necessary traveling expenses and ten dollars per diem, which sum shall be charged against the corporation or corporations so visited by him, and collected from such corporation or corporations.

Section 5. The State Auditor is hereby prohibited from issuing a certificate of authority to write policies of fire insurance, or to solicit and obtain and transact fire insurance business, to any person, agent, or firm or corporation, unless such person, agent, firm or corporation is a legal resident of the State of Montana, at the time such authority is issued.

And whenever any person, agent, firm, or corporation so authorized to issue policies of fire insurance and solicit and transact fire insurance business shall remove from the State of Montana, the authority issued to such person, agent, firm, or corporation shall be revoked, and the same shall be null and void.

Section 6. This Act shall take effect and be in force from and after its passage.

Approved March 4th, 1897.

SENATE BILL NO. 28.

An Act to prohibit gambling within the State of Montana and to provide penalties for a violation of the provisions thereof and to provide for the enforcement thereof and to repeal all laws in conflict with this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Every person who deals, plays, carries on, opens or causes to be opened, or who conducts or causes to be conducted, either as owner

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or employee, whether for hire or not, any game of faro, monte, roulette, lansquentet, roug et noir, rondo, tan, fan-tan, stud horse poker, draw poker, craps, seven and a half, twenty-one or any banking or percentage game or any game of chance played with cards, dice, or any device whatever for money, checks, credits, or any representative of value or for any property or thing whatever is punishable by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment in the State Penitentiary for a period of not to exceed five years and for the costs of the prosecution, and every person convicted of a violation of this section must be imprisoned until such fine and costs are paid, such imprisonment not to exceed five years in the State Penitentiary, and every person who plays or bets at or against any of said prohibited game or games, is guilty of a misdemeanor.

Section 2. Every person who knowingly permits any of the games mentioned in the preceding section to be played, conducted or dealt in any house, room, tent, or apartment owned or rented by such person, in whole or in part, is punishable by a fine of not less than one hundred dollars nor more than five hundred dollars, and such person shall be imprisoned until such fine and the costs of the prosecution are paid.

Section 3. Every person who, by the game of "three card," monte, so called, or any other game, device, sleight-of-hand, pretensions to fortune telling, trick or other means whatever, by use of cards or other instrument or implements, or while betting on sides or hands of any such game or play, fraudulenty obtains from another person money or property of any description shall be deemed guilty of larceny, and must be punished as in case of larceny of property of like value.

Section 4. Every person duly summoned as a witness for the prosecution on any proceedings had under the provisions of this Act, who neglects or refuses to attend as required, is guilty of a misdemeanor.

Section 5. Any person, otherwise competent as witness, is not disqualified from testifying as such concerning the offense of gaming, on the ground that such testimony may criminate himself, but no prosecution may afterwards be had against him for any offense to which he testifies.

Section 6. Every County Attorney, sheriff, constable, or police officer must inform against and make complaint and diligently prosecute persons whom they may be informed concerning or whom they have reasonable cause to believe offenders against the provisions of this Act, and each and every such officer refusing or neglecting so to do, is guilty of a mis-

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demeanor, and such violation, refusal or neglect to make complaint against and diligently prosecute persons whom they have reasonable cause to believe to be offenders against the provisions of this Act, shall be deemed sufficient cause for removal from office, and it is hereby made the duty of the County Commissioners of each county, upon receiving verified notice in writing from any person, supported by other creditable verified evidence in writing that any officer mentioned in this section has violated the provisions of this section, to cause proceedings to be commenced against such officer to oust him from office.

Section 7. Every Sheriff, constable or police officer shall have authority upon receipt of information that any house, room, tent, or apartment, is being conducted as a house, room, tent, or apartment for any of the games mentioned in this Act, to break open any door or opening into any such house, room, tent, or apartment, with or without a warrant of arrest for the purpose of arresting such offenders of this Act.

Section 8. All property, devices, cards, instruments or implements which may be used for the carrying on or conducting of any game or games mentioned in this act must be taken possession of by any sheriff, constable, or police officer, whenever they are found and delivered to a Justice of Peace, and upon proof before said Justice of the Peace that such property is a device, instrument, or implement, or implements, used for the purpose of carrying on and conducting any of the games prohibited by this Act, must make an order that the same be by the said sheriff, constable, or police officer destroyed, and no person who is the owner of any such device, instrument or implement or implements, so destroyed shall have the right of action against the city, county or state for the value of such property.

Section 9. Every owner, lessee or keeper of any house used in whole or in part as a saloon or drinking place, who knowingly permits any person under eighteen years of age to play at any game of chance therein, is guilty of a misdemeanor.

Section 10. Every state, county, city, town or township officer or other person who shall ask for, receive, or collect, any money or other valuable consideration, either for his own or the public use, for and with the understanding that he will aid, exempt, or otherwise assist, any person from arrest or conviction for a violation of section 1 of this act, or who shall issue, deliver, or cause to be given or delivered to any person or persons any license, permit, or other privilege, giving or pretending to give any

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authority or right to any person or persons to carry on, conduct, open or cause to be opened, any game or games which are forbidden by section 1 of this act, and such officer or officers who shall vote for the passage of any ordinance or by-law giving, granting, or pretending to give or grant to any person or persons any authority or privilege to open, carry on, conduct any game or games prohibited by said section 1 of this act, is guilty of felony.

Section 11. That all acts and parts of acts in conflict herewith are hereby repealed.

Section 12. This act shall be in force and effect from and after the First day of July 1897, and it is hereby made the duty of every City and County Treasurer in this State to refuse to receive any money for any license to be issued to be in effect later than June 30th, 1897.

Approved March 4, 1897.

HOUSE BILL NO. 128.

An Act to establish a tax on direct and collateral Inheritances, Bequests, and Devises, to provide for its collection and direct the disposition of its proceeds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. After the passage of this Act, all property which shall pass by will or by the interstate (intestate?) laws of this State, from any person who may die, seized or possessed of the same, while a resident of this State, or if such decedent was not a resident of this State, at the time of his death, which property, or any part thereof, shall be within this State, or any interest therein or income therefrom, which shall be transferred by deed, grant, sale or gift made in contemplation of the death of the grantor or bargainor, or intended to take effect in possession or enjoyment after such death to any person or persons, or to anybody politic corporate, in trust or otherwise, or any property, which shall be in this State or the proceeds of all property outside of this State, which may come into this State, and which may be or should be distributed in this State to any such heirs, devisees or legatees, by reason whereof any person or corporation shall become beneficially entitled in possession or expectancy, to any such property, or to the income thereof, other than to or for the use of his or her

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father, mother, husband, wife, lawful issue, brother, sister, the wife or widow of the son, or the husband of a daughter, or any child or children adopted as such in conformity with the laws of the State of Montana, and any lineal descendant of such decedent born in lawful wedlock, shall be and is subject to a tax of five dollars on every hundred dollars of the market value of such property, and at a proportionate rate for any less amount, to be paid to the treasurer of the proper county hereinafter defined for the use of said county and state in the proportions hereafter stated: and all administrators, executors and trustees shall be liable for any and all such taxes until the same have been paid as hereinafter directed. When the beneficial interests to any personal property or income therefrom shall pass to or for the use of any father, mother, husband, wife, child, brother, sister, wife or widow of the son, or the husband of a daughter, or any child or children adopted as such in conformity with the laws of the State of Montana, or to any person to whom the deceased, for not less than ten years prior to death, stood in mutually acknowledged relation of a parent, or to any lineal descendant born in lawful wedlock; in every such case the rate of tax shall be one dollar on every hundred dollars of the clear market value of such property, and at and after the same rate for every less amount, provided, that an estate which may be valued at a less sum than Seventy five Hundred Dollars shall not be subject to any such tax or duty. In all other cases the rate shall be Five Dollars on each and every Hundred Dollars of the clear market value of all property and at the same rate for any amount, provided, that an estate which may be valued at a less sum than Five Hundred Dollars shall not be subject to any such duties or tax, provided, further, that said tax shall be levied and collected upon the increase of all property arising between the date of death and the date of the decree of distribution, and upon all estates which have been probated before, and shall be distributed after the passage and taking effect of this Act.

Section 2. When any grant, gift, legacy or succession upon which a tax is imposed by Section 1 of this Act, shall be an estate, income or interest for a term of years, or for life, or determinable upon any future or contingent event, or shall be a remainder, or reversion or other expectancy, real or personal, the entire property or fund by which such estate, income or interest is supported, or which is a part, shall be appraised immediately after death of the deceased, and the market value thereof determined, in the manner provided in Section 15 of this Act, and the tax

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prescribed by this Act shall be immediately due and payable to the treasurer of the proper county, and, together with the interest thereon, shall be and remain a lien on said property until the same is paid; provided, that the person or persons, or body politic or corporate, beneficially interested in the property chargeable with said tax, may elect not to pay the same until they shall come into the actual possession or enjoyment of such property, and in that case, such person or persons or body politic or corporate shall execute a bond to the State of Montana in a penalty of twice the amount of tax, including interest at ten per cent. per annum, arising upon the personal estate, with such sureties as the Clerk of the District Court of the proper county may approve, conditioned for the payment of said tax, and interest thereon, at such time or period as they or their representatives may come into the actual possession or enjoyment of such property, which bond shall be filed in the office of the Clerk of the District Court of the proper county; provided further, that such person or corporation shall make a full and verified return of such property to said Court, and file the same in the office of the Clerk of the District Court for said county and a duplicate thereof in the office of the Clerk and Recorder of said county within one year from the death of the deceased, and within that period enter into such security and bond, and renew the same every three years.

Section 3. Whenever a decedent appoints or names one or more executors or trustees, and makes a bequest or devise of property to them in view of commissions or allowances, which otherwise would be liable to said tax or appoints them his residuary legatees, and said bequests, devises or residuary legatees exceed what would be a reasonable compensation for their services such excess shall be liable to said tax; and the District Court in which the probate proceedings are pending shall fix the compensation.

Section 4. All taxes imposed by this Act, unless otherwise herein provided for shall be due and payable at the death of the decedent, and if the same are paid within ten months, no interest shall be charged and collected thereon, but if not so paid, interest at the rate of ten per centum per annum shall be charged and collected from the time said tax accrued; provided, that if said tax is paid within six months from the accruing thereof a discount of three per centum shall be allowed and deducted from said tax. And in all cases where the executors, administrators or trustees do not pay such tax within ten months from the death of the decedent, they shall be required to give bond in the form and to the effect prescribed in Section 2 of this Act for the payment of said tax with interest.

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Section 5. The penalty of ten per centum imposed by Section 4 hereof for non-payment of said tax thereof, shall not be charged in where, by reason of claims made upon the estate, necessary litigation or other unavoidable causes of delay, the estate of any decedent or a part thereof cannot be settled at the end of eighteen months from the death of the decedent; and in such cases only seven per centum per annum shall be charged upon said tax from the expiration of said eighteen months until the cause of delay is removed.

Section 6. Any administrator, executor or trustee having in charge or trust, any legacy, or property for distribution subject to said tax, shall deduct the tax therefrom, or if the legacy or property be not money, he shall collect the tax thereon upon the market value thereof, from the legatee or person entitled to such property, and he shall not deliver, or be compelled to deliver, and specific legacy or property subject to tax to any person until he shall have collected the tax thereon and whenever any such legacy shall be charged upon or payable out of real estate, the executor, administrator, or trustee shall collect said tax therefrom, and the same shall remain a charge on such real estate until paid; if, however, such legacy be given in money, to any person for a limited period, the executor, administrator, or trustee shall retain the tax on the whole amount. But if it be not in money, he shall make application to the District Court of the proper county to make an apportionment, if the case require it, of the same to be paid into his hands by such legatee or legatees and for such other order relative thereto as the case may require.

Section 7. All executors, administrators and trustees shall have full power to sell so much of the property of the decedent as shall enable them to pay said tax in the same manner as they may be enabled by law to do for the payment of debts of the estate, and the amount of said tax shall be paid as hereinafter directed.

Section 8. Every sum of money retained by an executor, administrator, or trustee, or paid into his hands, for any tax on property shall be paid by him within ten days thereafter to the treasurer of the county in which the probate proceedings are pending, and the said treasurer shall give, and every executor, administrator or trustee shall take duplicate receipt for such payment, one of which said receipts said executor, administrator, or trustee shall immediately send to the treasurer of the State whose duty it shall be to charge the County Treasurer so receiving the tax with the amount thereof due the State and said State Treasurer shall seal said receipt with the seal of his office, if he have one, and countersign the

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same, and return it to the executor, administrator, or trustee, whereupon it shall be a proper voucher in the settlement of his accounts; and an executor, administrator or trustee shall not be entitled to credits in his accounts, nor be discharged from liability for such tax, nor shall said estate be distributed unless he shall produce a receipt so sealed and countersigned by the State Treasurer or a copy thereof certified by him.

Section 9. The bond of an executor or administrator shall be liable for all moneys he may receive under this Article of taxes, or for proceeds of sale of real estate received by him thereunder, or pursuant thereto.

Section 10. If any executor or administrator or trustee shall fail to perform the duties imposed upon him by this article the District Court, upon petition of the county treasurer, or any person interested in said estate may revoke his administration and his bond shall be liable, and the same proceedings shall be had against him as if his administration had been revoked for any other cause.

Section 11. The power and duty of an administrator *de bonis non*, or with the will annexed, or the public administrator shall be the same under this article as those of an executor or administrator, and he shall be subject to the same duties and liabilities.

Section 12. Whenever any debts shall be proven against the estate of the deceased, after the payment of legacies, or distribution of property from which the said tax has been deducted or upon which it has been paid, and a refund is made by the legatee, devisee, heir, or next of kin, a proportion of the tax so deducted or paid shall be repaid to him by the executor, administrator or trustee, if the said tax has not been paid to the county treasurer or state treasurer, or by them, in the proper proportionate shares, if it has been so paid.

Section 13. When any amount of said tax shall have been paid erroneously to the county and State Treasurer, or to either of them, it shall be lawful for them, on satisfactory proof rendered to the Clerk of the District Court, in the case of the County Treasurer and to the State Auditor in the case of the State Treasurer, of such erroneous payment, to refund and pay to the executor, administrator, person or persons who have paid any such tax in error, the county's and State's proportionate amount of such tax so paid provided that all such applications for repayment of such tax shall be made within two years from the date of such payment.

Section 14. Whenever any foreign executor, or administrator shall assign or transfer any stocks or loans in this State, standing in the name

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of the decedent, or held in trust for a decedent, which shall be liable to the said tax, such tax shall be paid to the treasurer of the proper county on the transfer thereof; otherwise, the corporation permitting such transfer shall become liable to pay such tax; provided that such corporation had actual or constructed knowledge before such transfer that said stocks or loans are liable to said tax.

Section 15. When the value of an inheritance, devise, bequest, or other interest subject to the payment of said tax is uncertain, the District Court in which the probate proceedings are pending, or the judge thereof on his own motion, or on the application of any interested party shall appoint some competent person as appraiser, as often as, and whenever occasion may require, whose duty it shall be forthwith to give such notice, by registered mail, to all persons known to have or claim any interest in such property, and to such persons as the Court may direct, of the time and place at which he will appraise such property, and at such time and place to appraise the same, and to make the report thereof, in writing, to said Court, together with such other facts in relation thereto, as said Court may by order require, to be filed with the Clerk of such Court; and from this report the said Court, shall by order, forthwith assess and fix the market value of all inheritances, devises, bequests, or other interests, and the tax to which the same is liable, and shall immediately cause notice thereof to be given, by registered mail, to all persons known to be interested therein; and the value of every future or contingent, or limited estate, income, or interest, shall for the purpose of this Act, be determined by the rule, method, and standards of mortality, and of values that are set forth in the actuaries' Combined experience tables of mortality for ascertaining the values of policies of life insurance and annuities, and for the determination of the liabilities of life insurance companies, save that the rate of interest to be assessed in computing the present value of all future interest and contingencies shall be at seven per cent., per annum; and the value of such future, or contingent, or limited estate, income, or interest ,shall be determined in the usual manner upon the facts contained in such report, and shall be certified to the Court, which said certificate shall be made by some one known to the Court to be familiar with the method of procedure by which such future values are determined by life insurance and other companies, and his certificate, verified by oath shall be *prima facie* evidence that the method of computation adopted therein is correct.

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The said appraiser shall be paid by the county treasurer out of any funds that he may have in his hands on account of said tax, and the certificate of the Court, at the rate of five dollars per day for every day actually and necessarily employed in said appraisement, together with the actual and necessary traveling expenses, a sworn statement of which must be filed with the Clerk of the District Court in which the probate proceedings are pending. The person designated by the Court or judge thereof, to make the computations, in this Section required, shall receive such compensation as the Court or judge thereof shall deem reasonable and just.

Section 16. Any appraiser appointed by virtue of this Act, who shall take any fee or reward from an executor, administrator, trustee, legatee, next of kin, or heir of any decedent or from any other person liable to pay said tax, or his or their attorney, or any other person, or any portion thereof, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than One Hundred Dollars nor more than Five Hundred Dollars, or imprisonment in the county jail ninety days, or both such fine and imprisonment, and in addition thereto, the court shall dismiss him from such service. The District Courts shall have concurrent jurisdiction with the justices of the peace courts for all violations of the law mentioned in this Section.

Section 17. The District Court of the county in which is situate the real property of the decedent, who was not a resident of this State, or in the county in which the decedent was a resident at the time of his death, shall have jurisdiction to hear and determine all questions in relation to the tax arising under the provisions of this Act, and the Court first acquiring jurisdiction hereunder shall retain the same to the exclusion of every other.

Section 18. If it shall appear to the District Court, or Judge thereof, that any tax accruing under this Act has not been paid according to law, the Court or Judge shall issue a citation, citing the person known to own any interest or part of the property liable to the tax to appear before the Court, on a day certain, not more than ten weeks from the date of said citation, and show cause why said tax should not be paid. The service of such citation and the time, manner, and proof thereof, and the hearing and determination thereof, and the enforcement of the determination or decree shall conform to the provisions of Chapter XII, of Title XII of the Code of Civil Procedure; and the Clerk of the Court, shall upon the request of the county attorney or county treasurer furnish without fee, one

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or more transcripts of such decree, and the same shall be docketed and filed in the office of the County Clerk and Recorder of any county in the State, and in the office of the Clerk of the District Court of any county in the State, in the same manner and with the same effect as provided by Section 1197 of the said Code of Civil Procedure for filing transcript of judgment, or of an original docket.

Section 19. In all cases where any estate, real, personal or mixed, shall be subject to the direct or collateral inheritance tax imposed by this Act, and no administration is taken on the estate of the person who died seized and possessed thereof, within ninety days after the death of said person, the Clerk of the District Court of the County in which administration should be granted, or taken out, shall issue a citation for the parties entitled to administration, to show cause wherefore they do not administer; Provided, however, that when any real estate shall be subject to said tax and no administration has been taken out on the estate of the person who died seized thereof, the District Court of the County where said real estate shall be situate, may on the application of any one interested in said real estate, or of the county or State Treasurer appoint an appraiser to value the same, as provided in this Act, and the amount of the tax which may be found due on said property shall be paid to the county treasurer and disposed of the same as other taxes provided for in this Act.

Section 20. Whenever the treasurer of any county shall reason to believe that any tax is due and unpaid under this Act, after the refusal or neglect of the persons interested in the property liable to said tax, to pay the same, he shall notify the county attorney of the proper county, in writing of such failure to pay such tax, and the county attorney so notified, if there is probable cause to believe a tax is due and unpaid, shall prosecute the proceedings in the District Court of the proper county as provided in Sections 18 and 19 of this Act for the enforcement and collection of such tax. Any county attorney or his partner or any one connected with him by blood or marriage who shall act as attorney, either directly or indirectly, for any estate, heir, devisee, legatee, administrator, executor or other person that is, or who may be liable, or might become liable for the payment of the direct or collateral inheritance tax provided for in this Act, shall be guilty of a misdemeanor and punished accordingly, and shall forfeit his office.

Section 21. The Clerk of the District Court shall, every three months, make a statement in writing, to the county treasurer, of the property from

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which, or the party from which, he has reason to believe, or knows, a tax under this Act, is due and unpaid.

Section 22. Whenever the District Court of any County or the Judge thereof shall certify that there is probable cause for issuing a citation, and takng the proceedings specified in Section 18 of this Act, to the State Auditor, the State Auditor shall allow said claim, and shall draw his warrant on the State Treasurer in favor of the county treasurer of the county wherein said proceedings were taken or had for all expenses incurred for services of said citation, and his other lawful expenses that have not otherwise been paid; provided that if it shall appear to the District Court that the party to whom the citation is issued was wilfully endeavoring to evade the terms and provisions of this Act, and the payment of the tax hereunder, the costs of said proceeding shall be taxed to him and execution shall issue therefor in the same manner as on judgments in the District Court.

Section 23. The Clerk of the District Court of each county shall keep a book in which he shall enter the value of inheritances, devises, bequests, and other interests subject to the payment of said tax, and the tax assessed thereon, and the amounts of any receipts for the payments thereon filed with him, which book shall be kept by him as public records.

Section 24. The treasurer of each county shall collect all taxes that may be due and payable under this Act, and he shall pay to the State sixty per cent. thereof, and the State Treasurer shall give him a receipt therefor. The county treasurer shall make a report under oath to the State Auditor between the first and fifteenth days of December of each year of said tax so paid, stating for what estate paid, and in such form and containing such particulars as the Auditor may prescribe; and for all such taxes collected by him and not paid to the State Treasurer by the first day of June and January of each year he shall be liable upon his official bond.

Section 25. Any person or body politic, or corporate, shall, upon the payment of the sum of fifty cents, be entitled to a receipt from the county treasurer of any county, or a copy of the receipt at his option, that may have been given by said treasurer for the payment of any tax under this Act, which said receipt shall be countersigned by the Clerk of the District Court and the seal of the District Court attached thereto, and shall designate on what real property, if any, of which decedent may have died seized, said tax has been paid, and by whom paid, and whether or not it is in full of said tax, and the description of the property upon which said tax is paid; and the said receipt may be recorded in the office of the county

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clerk and recorder of the county in which said property is situate, in a book to be kept by said clerk for such purpose, which shall be properly indexed and labeled "District and Collateral Tax."

Section 26. Sixty per cent. of the taxes levied and collected under this Act, shall be paid into the treasurer of this State for the use of the general fund, and forty per cent. thereof into the treasurer of the county for the use of the general school fund.

Section 27. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed, as far as they effect the provisions hereof.

Section 28. This Act shall apply to all estates remaining undistributed at the time this law shall take effect, and the tax shall be determined and collected as in other cases, and it shall take effect and be in force from and after its passage and approval by the Governor.

Approved March 4, 1897.

HOUSE BILL NO. 116.

An Act to provide assistance to carry on the work of the State Land Office. To fix the salary of such assistants and to designate the fund from which the expenses of the State Land Office shall be paid.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the State Board of Land Commissioners is hereby authorized to appoint as many persons, not exceeding three, as in their judgment may be needed in the work of selecting, appraising and re-appraising of State Lands and timber thereon.

Section 2. Such persons so appointed shall act as assistants to the State Land Agent, and shall engage actively in the field work of selecting and appraising State Lands and timber thereon. The State Board of Land Commissioners shall appoint such assistants and continue them in office during only such seasons of the year, as they can be actively engaged in field work. They shall draw pay only when engaged in such work and shall hold office at the pleasure of said Board.

Section 3. The State Board of Land Commissioners shall have power to appoint one clerk whose salary shall be Twelve Hundred ($1,200.00)

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Dollars per annum and shall act as clerk of the State Land Register and the State Land Agent without extra compensation.

Section 4. The salary of the assistants appointed under this Act to select and appraise State Lands and timber thereon shall be One Hundred ($100.00) Dollars per month together with necessary expenses.

Section 5. The salary of the State Land Agent, the State Land Register and all expenses of the State Land Office, including the pay of assistants and clerk, shall be paid out of the funds derived from the sale and lease of State Lands and shall be apportioned among the several funds by the State Board of Land Commissioners.

Section 6. All Acts and part of Acts in conflict with this Act are hereby repealed.

Section 7. This Act shall take effect on and after its passage and approval.

Approved March 6, 1897.

HOUSE BILL NO. 61.

An Act to empower the Governor to accept for the State the conditions imposed by an Act of Congress entitled an "Act to provide aid to State or Territorial Homes for the support of disabled Soldiers and Sailors in the United States," approved August 27th., 1888, and to empower the State Auditor to receive any moneys that may become due the State under said Act of Congress.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the Governor is hereby empowered and directed to accept for the State the conditions imposed by an Act of Congress entitled "An Act to provide aid to State or Territorial Homes for the support of disabled Soldiers and Sailors in the United States" approved August 27th., 1888. He is further directed to send to the President of the Board of Managers of the National Home for disabled volunteer Soldiers a copy of all laws bearing upon the establishment, regulation and maintenance of the Soldiers Home at Columbia Falls, Montana, with all printed regulations relating to the management of said Home, together with a copy of this and the next Section.

Section 2. The State Auditor is hereby empowered and directed to re-

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ceive and receipt for any and all moneys that may become due the State by reason of said Act of Congress and to turn the same into the State Treasury for the use and benefit of the State Soldiers' Home to be disbursed and accounted for in the same manner as other money appropriated out of the State Treasury for the maintenance of said Home.

Approved March 1, 1897.

SENATE BILL NO. 69.

An Act authorizing the issuance of bonds to provide for the payment of all outstanding Deaf and Dumb Asylum Building Warrants, to complete the building now in course of construction at the town of Boulder, County of Jefferson, State of Montana and to erect certain buildings, make certain improvements on the grounds of said Deaf and Dumb Asylum at said place, and to create a sinking fund to redeem said bonds and to repeal all conflicting laws.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The state board of education and the state board of land commissioners of the State of Montana are hereby authorized to issue and dispose of bonds for the purpose of providing for the payment of all outstanding Deaf and Dumb Asylum Building Warrants, to complete the building now in course of construction at the town of Boulder, County of Jefferson, State of Montana, and to erect certain improvements on the grounds of said Deaf and Dumb Asylum at said place, under the following conditions and restrictions, to-wit:

First: The aggregate amount of bonds authorized by this act shall not exceed the sum of sixty-five thousand dollars.

Second: The denomination of each bond shall be one hundred dollars, or any multiple thereof, but the maximum amount of any bond shall not exceed the sum of one thousand dollars.

Third: The terms of said bonds shall not exceed thirty years from their date, and they shall be payable at any time after fifteen years from their date at the option of the issuers.

Fourth: The bonds may bear any rate of interest not in excess of six per centum per annum and the interest may be payable semi-annually.

Fifth: The principal and interest shall be payable at such place and in such manner as is designated in the bond.

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Sixth: The State Board of Education and the State Board of Land Commissioners shall prescribe the form of the bonds. The bonds shall bear upon their face the words "Deaf and Dumb Asylum Bond of the State of Montana," and they shall be signed by the members of the State Board of Education and the State Board of Land Commissioners and shall be countersigned by the Secretary and Treasurer of the State, and the seal of the State shall be fixed to each bond and the bonds shall be registered in the office of the State Treasurer.

Seventh: The coupons representing the interest on the bonds shall be signed by the State Treasurer, or an engraved or lithographic fac-simile of the signature of the Treasurer may be affixed thereto, provided, it is so authorized in the bond.

Section 2. The bonds provided for in this Act shall be disposed of by the State Board of Education and the State Board of Land Commissioners, in such manner as they shall deem it for the best interests of the State, provided, that no bond shall be disposed of for less than its par value.

Section 3. To provide for the payment of the principal and interest of the bonds authorized by this Act, there is hereby created a special fund to be known as "The Deaf and Dumb Asylum Interest and Sinking Fund," into which shall be paid all sums of money realized from sales of lands, licenses to cut trees, leasing of lands, profits of any and all other sources by reason of the grants of lands by Congress to the State of Montana for the establishment of a Deaf and Dumb Asylum, as provided by Section 12 and 17 of an Act of the United States Congress entitled "An Act to provide for the division of Dakota into two states and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and state governments, and to be admitted into the Union on an equal footing with the original states, and to make donations of public lands to such states, approved February 22, 1889, and from said Deaf and Dumb Asylum interest and sinking fund there shall as the same becomes due and payable, be paid the interest on the said bonds; and it is further provided that it is the duty of the State Board of Land Commissioners whenever there are any funds in the said "Deaf and Dumb Asylum interest and sinking fund," over and above the sum of twenty-five hundred dollars in excess of the amount required to pay the yearly interest on said bonds, to invest such excess funds in the manner set forth and provided in section 4 of this Act, and the amount so invested shall constitute a permanent fund, to pay the principal of said bonds; but all in-

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terest or profit derived from the investment shall be paid into the said "Deaf and Dumb Asylum Interest and Sinking Fund" and the principal and interest of the said bonds shall be a first lien upon said funds, and all lands granted and belonging to the State, for the establishment of a Deaf and Dumb Asylum.

Section 4. The State Board of Land Commissioners are hereby authorized and directed to create a permanent fund for the payment of the principal of the bonds authorized by this Act, from the following revenues, to-wit:

Whenever the revenues of any year are sufficient to pay the interest on said bonds and there shall be an excess thereof the sum of twenty-five hundred dollars, then any and all funds over and above the said sum of twenty-five hundred dollars shall be invested for the benefit of the "Deaf and Dumb Asylum Interest and Sinking Fund" as follows, to-wit:

First. In the bonds authorized by this Act, provided they can be purchased at a cost not exceeding their par value and accrued interest.

Second. In any legally issued bonds of any county, school district, city or town of the State of Montana, provided, they can be purchased at a cost not exceeding their par value and accrued interest; and the said State Board of Land Commissioners are hereby granted discretionary power in the selection and purchase of the securities hereinbefore described, as to the amount of each they shall purchase and conditions of general credit affecting the same.

Section 5. It is hereby provided and set forth that in the event the State of Montana shall at any time provide and pay the interest or any part thereof on the bonds authorized by this Act, from the general fund of the state, or by any special appropriation made or tax levied therefor, then for any and all interest so paid, the State shall be reimbursed from the said "Deaf and Dumb Asylum Interest and Sinking Fund" by the payment of the amount so paid or due, whenever there is sufficient money in said "Deaf and Dumb Asylum Interest and Sinking Fund to pay the same.

Section 6. The State Treasurer is hereby designated as the custodian of the funds provided by this Act, and he shall pay all warrants properly drawn by the State Board of Examiners save and excepting as to the interest on the bonds, which he shall pay as the same becomes due and charge the amount thereof to the "Deaf and Dumb Asylum Interest and Sinking Fund" hereinbefore created.

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Section 7. The moneys received from the sale of the bonds authorized by this Act, shall be paid to the State Treasurer and shall constitute a special fund for the following purposes:

First: Fifty thousand dollars thereof or so much as may be necessary to redeem and pay all legal and outstanding warrants drawn on the "Deaf and Dumb Asylum Building Fund," with accrued interest, and to complete and furnish the Deaf and Dumb Asylum Building at Boulder, Montana, in accordance with the plans and specifications of the existing contracts.

Second: Thirteen thousand dollars ($13,000.00) thereof, or so much as may be necessary to erect and furnish a suitable and separate building on the grounds of the Deaf and Dumb Asylum at Boulder, Montana for the temporary use and care of the feeble-minded.

Third: Two thousand dollars ($2,000.00) thereof, or so much as may be necessary to grade, fence and otherwise improve the grounds of the Deaf and Dumb Asylum at Boulder, Montana. In making contracts for the erection of said buildings and in making payments therefor, and in all things pertaining thereto, the provisions of Article III, Sections 2361 to 2370 of the Political Code of Montana inclusive, shall control so far as practicable. The local board of trustees with the approval of the State Board of Examiners are authorized and empowered to change the amounts above mentioned in such manner as shall best meet the purposes of this Act.

Section 8. Whenever any of the bonds authorized by this Act shall become due and payable, and there is sufficient funds to pay the same, they shall be called in and paid in the order of their issuance beginning with the lowest number.

Section 9. The cost and expense of issuing the bonds hereinbefore authorized may be paid out of the proceeds thereof, or be chargeable to the expense of the construction of the buildings.

Section 10. In the event there shall not at any time be sufficient money in the "Deaf and Dumb Asylum Interest and Sinking Fund" to pay the interest when due, the State Board of Land Commissioners and the State Board of Examiners shall by an order entered on their minutes or record books, cause warrants to be issued on the said "Deaf and Dumb Asylum Interest and Sinking Fund" for the amount of interest due, and the warrants so issued shall be registered in the office of the Treasurer of the State, and shall bear interest at the rate of six per cent per annum, and

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said warrants shall be paid by the State Treasurer whenever there is sufficient money accumulated in said fund to pay the same; and by reason of the delivery of said warrants to the holders of said bonds and the surrender of the interest coupons, there shall be no default in the payment of interest.

Section 11. Nothing in this Act shall be so construed as to in any wise hold the State of Montana liable for the payment of the bonds herein authorized or the interest thereon, except as to the lien heretofore created against the lands and funds granted for the purpose of erecting a Deaf and Dumb Asylum, and which lien shall not be abridged, annulled or set aside until the bonds authorized by this act shall have been fully paid, together with the interest thereon, and the Governor is hereby specially authorized and empowered to use all lawful means to enforce the provisions of this act.

Section 12. All acts and parts of acts in conflict with this act are hereby repealed.

Section 13. There is hereby appropriated from the proceeds of the sale of the bonds authorized by this Act, the sum of sixty-five thousand dollars ($65,000.00) for the fiscal year ending December first, 1897.

Section 14. This act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 4, 1897.

SENATE BILL NO. 96.

An Act to provide for the re-appraisement of Fourth Class School Lands within the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. From and after the passage of this Act any fourth class public school lands as classified, or subject to classification by the State Board of Land Commissioners as provided in Article XVII, Section 1, of the Constitution of the State of Montana, within the State may be re-appraised in the following manner.

Section 2. Whenever a petition signed by not less than twenty-five (25) bona fide residents of one and the same section of the said fourth class public school lands of the State of Montana, shall be presented to the

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State Board of Land Commissioners, praying for a re-appraisement of any of the land of the section in which such petitioners reside, it shall be the duty of the said Board of State Land Commissioners within thirty days thereafter to order and require the State Land Agent to re-appraise such lands. Such petition shall correctly describe the lands which the petitioners pray to be re-appraised.

Section 3. Within ten days thereafter the said State Land Agent shall proceed to re-appraise and fix the valuation of said lands and report such re-appraisement to the State Board of Land Commissioners within twenty (20) days thereafter.

Section 4. If such re-appraisement shall be approved by the State Board of Land Commissioners then said values as re-appraised by the said State Land Agent shall constitute the true value of such lands, and shall also be the basis of value upon which the said lands shall be hereafter sold.

Section 5. If in such re-appraisement the valuation of the lands or any portion thereof shall be less than the valuation fixed by the previous appraisement any person or persons holding any of the said lands under certificate of sale from the State of Montana, whose contract or contracts have not been forfeited shall receive a credit on such contracts to the amount of the difference of such valuation fixed by the re-appraisement and the valuation fixed by the previous appraisement: Provided, however, that the State shall not be required to repay any money to any person or persons who may have made payments to the State under the terms of such contracts previous to such re-appraisement.

Section 6. Any Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in force and effect from and after its passage and approval.

Approved March 4th, 1897.

SENATE BILL NO. 100.

An Act to provide for the appointment of a Board of Sheep Commissioners and to define their powers and duties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Governor of the State of Montana with the consent of

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the Senate is hereby directed and empowered to appoint a Board of Sheep Commissioners consisting of one member from each of the counties of the State. The members of said Board before entering upon their duties, shall each take the oath of office prescribed by the Constitution which oath of office must be filed in the office of the Secretary of State.

Section 2. Each member of said Board shall be a qualified elector of the county from which he is chosen, and an owner of sheep within the State and must reside, during his term of office, within such County. The members of said Board shall hold office for a term of two years or until their successors are appointed and qualified; and in case of a vacancy in said Board from death, resignation or otherwise, the Governor must fill such vacancy by appointment.

Section 3. The said board must organize by electing one of its members as president, and the board is authorized to appoint a Secretary, which Secretary shall receive such compensation as may be allowed by said board. The members of said board shall receive actual expenses incurred by them in the performance of their duties, but shall receive no compensation for their services.

Section 4. The board may divide the State into suitable districts for inspection purposes and provide for inspectors when necessary. It shall be the duty of the board to exercise a general supervision over and so far as practicable to protect the sheep interests of the State from theft and disease, and devise and recommend from time to time such legislation as in their judgment will foster and develop the sheep industry of the State. The board may employ all proper and lawful means to procure the attendance of witnesses and may employ attorneys to advise the board and to assist in the prosecution of any person or persons guilty of any offense against the laws of the State, or any crime or misdemeanor under any of the laws of the State for the protection of the rights and interests of sheep owners. The board shall have power to make rules and regulations for its own government, and may convene whenever necessary, provided, that there shall be at least one meeting of said Board each year. The duties of the Secretary shall be such as may be prescribed by the Board.

Section 5. It is the duty of the Board to audit all bills for expenses incurred in the protection or fostering of sheep industry incurred under the provisions of this act, and if found correct to certify the same to the State Auditor, who shall draw a warrant on the State Treasurer in favor

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of the party or parties entitled to such compensation in the sum so certified, payable out of the "Sheep Inspection and Indemnity Fund."

Section 6. The Board must make an annual report, in writing to the Governor on the thirtieth day of November of each Year. Such report must give a complete statement of the transaction of the Board during the year.

Section 7. The Board of County Commissioners, at the time of the annual levying of taxes, must levy a tax of one-half of one mill on every dollar of the assessed value of all sheep in their respective counties to be collected as are other taxes, and paid by the State Treasurer, who must keep the same as a separate fund to be known as the Sheep Inspection and Indemnity Fund which fund must be used in defraying any expenses of deputy sheep inspectors and all other expenses incurred under the provisions of this act except the salary of the State Veterinary Surgeon but at no time shall any warrants be drawn upon this fund in excess of the amount of money in said fund or to exceed the amount of taxes collected and paid in.

Section 8. The board first appointed shall convene in the City of Helena upon a date to be named by the Governor which date shall not be later than April 15, 1897.

Section 9. Whenever any deputy inspector files in the office of the State Auditor proper vouchers, duly approved by the Board of Sheep Commissioners setting forth:

1. The name in full of such deputy inspector.
2. The kind and nature of the services rendered.
3. The particular locality when (where?) the work was done.
4. The time and the length of time employed.
5. The number of sheep inspected and the name of the owner or person in charge.
6. The disease or diseases treated and the number treated for each disease and the length of time of such treatment and the result.
7. The amount claimed and the value of such services, the State Auditor must audit the same and if found correct, draw a warrant in favor of such deputy inspector, payable out of any moneys in the "Sheep Inspection and Indemnity Fund."

Section 10. The board of sheep commissioners must upon request of any organized wool growers association in the State, or of any three sheep owners in any county, or upon request of the State Veterinary Surgeon, appoint a capable person as deputy inspector in such county who shall

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hold his office during the pleasure of the board and must perform the duties prescribed for him by the Political Code.

Section 11. Any and all Acts and parts of Acts in conflict with this act are hereby repealed.

Section 12. This Act shall be in full force and effect from and after its passage.

Approved March 5th, 1897.

SENATE BILL NO. 47.

An Act regulating the office and traveling expenses of State Officers and providing the manner of Allowance and payment thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Each State Officer shall be allowed his necessary office and his actual and necessary traveling expenses, when performing the duties pertaining to his office. No such officer shall be allowed as expenses, a larger amount than has been actually and necessarily incurred or paid out by him. Each officer shall be required to travel by the shortest practicable route, and in cases when same can be done, shall be required to use mileage books or other means of reduced transportation.

Section 2. Each officer shall be required to make out and file with the State Board of Examiners, an itemized and verified account with proper vouchers thereto attached, of his expenses and same shall be passed upon and allowed by such Board before being paid.

Section 3. Any such officer who shall knowingly collect or receive as expenses a greater sum than has actually and necessarily been paid out or incurred by him, shall be guilty of a misdemeanor, and shall upon conviction thereof be fined in any sum not less than Two Hundred and fifty dollars nor more than one thousand dollars, and it is hereby made the duty of the Attorney General to prosecute any violation of the provisions of this Act.

Section 4. This Act to take effect and be in force on and after its passage and approval.

Approved March 4th, 1897.

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HOUSE BILL NO. 69.

An Act repealing Section 162 and amending Section 163 of Article II of the Political Code of Montana:

Be it enacted by the Legislative Assembly of the State of Montana:

That Section 162 of Article II of the Political Code of Montana, which reads "The Secretary of the Senate and Clerk of the House of Representatives and Sergeant-at-Arms of each House for any session must at the next succeeding session of the body perform the duties of their offices until their successors are elected and qualified" is hereby repealed.

"Section 163 of Article II, of the Political Code of Montana is hereby amended to read as follows:

"Section 163. At the hour of twelve o'clock M on the day appointed for the meeting of any regular session of the Legislative Assembly, the President of the Senate, or in case of his absence or inability, then the senior member present must take the chair, call the Senators and Senators-elect to order, and then call over the Senatorial districts in their order, from which members have been elected at the preceding election, and as the same are called the members-elect must present their certificates, take the Constitutional oath of office, and assume their seats. The Senate may thereupon, if a quorum is present, proceed to elect its officers."

Approved February 19, 1897.

HOUSE BILL NO. 50.

An "Act to amend Section 442 of Article VII, Chapter III, Title I, Part III, of the Political Code of Montana, relating to the State Treasurer."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 442, of Article VII, Chapter III, Title I, Part III, of the Political Code be, and the same is hereby amended to read as follows:

"Section 442. It is the duty of the State Treasurer on the presentation

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of State warrants regularly issued to pay the same out of any funds available for the purpose, and in the event that there are no funds available for such payment, he must register each warrant in a book or register to be kept for the purpose, entering the date of issue, date of registration, name in whose favor warrant is drawn, the number and amount thereof, and he shall endorse on each warrant so registered, on its face, "Presented for payment, and not paid for want of funds, and registered in this office this.....day of....." inserting the date of registration; and he shall affix his signature as Treasurer thereto; and all warrants so registered and endorsed shall bear interest at the rate of six per cent per annum until called for payment, after which date interest shall cease; and all warrants shall be redeemed and paid in the order of their registration and in the manner as set forth in Section 444, of the Chapter hereinbefore mentioned.

Section II. Nothing herein contained shall be construed to apply to any warrants issued on account of any Land Grant Fund or by virtue any special act authorizing the issuance thereof.

Section III. This act shall be in full force from and after its passage.

Approved March 1, 1897.

SENATE BILL NO. 45.

An Act repealing Sections 470 and 472, Article 9, Chapter 3, Title 1, Part 3 of the Political Code relating to the appointment of the State Land Agent and his annual salary.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 470 and 472, Article 9, Chapter 3, Title 1, Part 3 of the Political Code of Montana, be amended so as to read and shall be numbered as follows:

Section 470. The Governor with the consent of the Board of Land Commissioners must appoint a State Land Agent who shall hold his office for the term of four years, or until his successor shall be appointed and qualified.

Section 472. The annual salary of the State Land Agent for the services rendered in any capacity whatever is the sum of Twenty-five ($2,500) hundred dollars. The salary of the State Land Agent shall be paid

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out of the funds derived from the sale of State Lands and shall be apportioned among the several land grants to the State according to the amount of such lands selected under each of said grants and shall be determined by the State Board of Land Commissioners.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 3. This act to take effect and be in force on and after its passage and approval.

Approved March 4th, 1897.

SUBSTITUTE FOR SENATE BILL NO. 12.

An Act to amend Sections 490 and 506 inclusive, being all of Article XI, of Chapter 3, Title I, Part 3, Political Code of Montana, Providing for the appointment of a State Examiner and defining his duties and powers.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Article XI of Chapter 3, Title 1, Part 3, Political Code be and the same is hereby amended to read and shall be numbered as follows:

Section 490. There shall be a State Examiner who shall be appointed by the Governor and confirmed by the senate, and shall hold his office for the term of four years and keep his office at the seat of Government.

Section 491. The duties of the State Examiner and his assistant are:

1. To examine at least once every year the books and accounts of the Secretary of State, State Auditor, State Treasurer, Attorney General, Superintendent of Public Instruction, Clerk of the Supreme Court, District Court Clerks, County Attorneys, County Treasurers, County Assessors, County Clerks, County Auditors, County Superintendents of Common Schools, Sheriffs, Public Administrators, Coroners, County Surveyors, Boards of County Commissioners of each County, and all boards whether temporary or permanent, however created, and for whatever purpose, having the control, management, collection or disbursement of any public moneys of any character or description.

2. To examine twice every year the accounts and transactions of every state or county officer or treasurer of any state board having the control

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or custody of public funds, with any bank or banking institution in which is deposited any money belonging to the state, county, or any public institution.

3. To prescribe the general methods and details of accounting for the receipt and disbursement of all the moneys belonging to the state or counties and to require of all officers and adherents to such general method and detail as are required by law or prescribed by him.

4. To visit each and every office of the officers and institution named in this act at least twice in every year, and at such times to examine the books, accounts and vouchers in said offices, to verify statements of receipts, expenditures and indebtedness, and to examine and pass upon the character and amounts of any commissions, percentages, or charges for services, exacted by any officer, and of all claims allowed by Board of County Commissioners.

5. To visit twice each year or oftener, without previous notice, each of the banks, banking corporations and savings banks, building and loan associations, investment and loan companies incorporated under the laws of this State, or doing business under any law of the State concerning corporations, and to examine into their affairs and ascertain their financial condition; to inspect and verify the value and the amount of their sureties and assets, and to enquire into any violations of laws governing such banks, institutions and building and loan associations.

6. The State Examiner after the examination of the affairs of any State officer, board or institution or board of county commissioners must make report to the Governor and to the Attorney General, the result of such examination within thirty days thereafter and if any violation of law or non-performance of duty is found on the part of any such officer or board, they must be proceeded against by the Attorney General or County Attorney as provided by law.

7. The State Examiner, or his assistant, after the examination of the affairs of any county officer must make report of such examination to the County Commissioners and to the County Attorney of such county, within thirty days after such examination, and if any violation of law or non-performance of duty is found on the part of any county officer or board. such officer or board must be proceeded against by the County Attorney of the County as provided by law.

8. The State Examiner must make an annual report to the Governor within thirty days after the end of each fiscal year.

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Section 492. All officers of the State and counties and all officers and employes of all banking and other institutions mentioned in this Act, must afford all reasonable facilities for the investigations provided for in this Act, and all such officers, managers, and employes must make returns and exhibits to the State Examiner under oath, in such form and in such manner as he may prescribe, not conflicting with the present form of county records; every officer or person violating the provision of this section is guilty of a misdemeanor and shall be punished by imprisonment in a county jail not exceeding six months, or by a fine not exceeding five hundred dollars, or both.

Section 493. The State Examiner, or his assistant, has power to examine any books, papers, accounts and documents in the office or possession of any county or state officer, or banking or other institution referred to in this act, and to send for persons or papers and to examine under oath any and all persons concerning the same.

Section 494. If any County Clerk or County Treasurer shall fail to make and transmit to the State Examiner's office any copy of any quarterly report required by the State Examiner of county officers or any annual financial statement of the county, within ten days after the same should have been filed as required by law, and said officer so required to furnish such report or copy, shall forfeit to the county one hundred dollars ($100.00) to be deducted from his salary by the board of county commissioners of such county on notice of such failure from the State Examiner.

Section 495. The salary of the State Examiner for all services rendered in any capacity whatever is twenty-five hundred dollars ($2,500.00) per year, and in addition thereto shall receive such office and traveling expenses as are allowed by law.

Section 496. The State Examiner shall be allowed one assistant examiner in his office at a salary not exceeding fifteen hundred dollars ($1,500.00) per year.

Section 497. That for the purpose of the just distribution of the expenses incurred in pursuance of this title, there is created a fund that shall be known as the "State Examiner's Fund." That the County Treasurer of the counties of the State shall pay to the State Treasurer for such fund on or before the first day of January of each year, for their respective counties, the following sum, to-wit:

Counties of the first, second, third and fourth class, $250.00 each;

Counties of the fifth class, $175.00 each;

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Counties of the sixth class, $150.00 each;

Counties of the seventh class, $75.00 each;

Counties of the eighth class, $50.00 each;

These amounts to be paid for the years 1897 and 1898 upon the basis of the classification of all the counties for the year 1896, as reported in the reports of the State Board of Equalization for that year, and any counties hereafter created are to be deemed counties of the seventh class until an assessment of such county has been made and the class thereof determined, and for the maintenance of this fund after the year 1898, if there is no subsequent legislation hereon, each county shall pay on its classification as made according to law for each year thereafter, and that each bank, banking corporation, savings bank, investment or loan company, incorporated under the laws of this State shall pay into the treasury on or before the first day of January of each year the sum of fifty ($50.00) dollars, each building and loan association shall pay a fee of one-twentieth of one per cent on its assets as shown by its last annual statement, provided that no examination fee shall be less than twenty nor more than fifty dollars for a domestic association, nor more than two hundred dollars for a foreign corporation, and a balance on the expenses incurred in pursuance of this title shall be paid by the State from any money in the "General Fund" not otherwise appropriated.

Section 498. Any banks, banking corporations savings banks, building and loan associations, investment or loan company incorporated under the laws of this State that shall fail or neglect to pay into the State Treasury within ten days from and after the first day of January of each year, the sum mentioned in the section next preceding shall forfeit to the State ten ($10.00) dollars; for every day it shall so fail and neglect, to be sued for and recovered in the name of the said State by the County Attorney of the county in which the business of such banking association or corporation shall be located, and when so recovered, the amount shall be paid into the treasury of such county for the use of the common schools therein.

Section 499. The State Examiner, and his assistant each must execute an official bond in the sum of ten thousand dollars, before entering upon the duties of his office, said bond to be approved by the Governor and filed with the Secretary of State.

Section 2. All acts and parts of acts in conflict with this are hereby repealed and particularly sections 490 to 506 inclusive, the same being all of Article XI, of Chapter 3, Title 1, Part 3 of Political Code.

Approved March 4, 1897.

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HOUSE BILL NO. 74.

An Act amending Sections 580, 581, and 582, Part 2, Title 1, Chapter 3, Article 15 of the Political Code of the State of Montana, relating to Inspector of Mines.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 580 of the Political Code of the State of Montana be amended so as to read as follows, viz:

Section 580. The Governor, by and with the advice and consent of the Senate must appoint an Inspector of Mines, who shall be at least thirty years of age, a resident of Montana at least one year, who shall be theoretically and practically acquainted with Mines and Mining in all its branches, and he shall hold his office for four years unless sooner removed by the Governor. No person shall hold the position of Inspector of Mines while an employee or officer of any mining company or corporation. The Inspector of Mines must devote his entire time to the duties of his office, and his salary is two thousand, four hundred dollars.

Section 2. That Section 581 of said Code be amended so as to read as follows, viz:

Section 581. The Governor by and with the consent of the Senate must appoint a Deputy Inspector of Mines who shall possess like qualifications to those required of the Inspector of Mines, who shall hold his office for four years unless sooner removed by the Governor. No person shall hold the office of Deputy Inspector of Mines while an employee or officer of any mining company or corporation.

The Deputy Inspector of Mines must devote his entire time to the duties of his office under the supervision and direction of the Inspector of Mines, and his annual salary is one thousand, six hundred and fifty dollars.

Section 3. That Section 582 of said Code be amended so as to read as follows, viz:

Section 582. It is the duty of the Inspector of Mines by himself or his deputy to visit every mine in the State once every six months and inspect its workings, timbering, ventilation, means of ingress and egress and the means adopted and in use for the preservation of the lives and safety of the Miners employed therein; for this purpose the Mining Inspector and his Deputy shall at all times have access to any mine and all parts thereof.

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All mines owners, lessees, operators or superintendents must render such assistance as may be necessary to enable the Inspector or his Deputy to make the examination.

Section 4. This Act shall be in effect from and after its passage and approval.

Approved March 4, 1897.

SUBSTITUTE FOR SENATE BILL NO. 11.

An Act to repeal Section 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776 and 777, being all of Article 22, Chapter 3, Title 1, Part 3, of the Political Code of Montana, and to substitute therefor sections 760, 761, 762, 763, 764, 765, and 766 relating to the establishment of a bureau of agriculture, labor and industry, and specifying the powers, duties and salary of the Commissioner thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 760 shall read as follows:

Section 760. A bureau of agriculture, labor and industry is hereby established for this state whose executive officers shall be a commissioner, appointed by the Governor, and a chief clerk who shall be appointed by the commissioner. The term of office of the Commissioner shall be four years, and he may be removed by the Governor for incompetence, neglect or malfeasance in office. The commissioner shall execute a bond in the penal sum of five thousand dollars, to be approved by the Governor, and to be filed with the State Auditor for the faithful performance of his duties.

Section 2. Section 761 shall read as follows:

Section 761. The commissioner shall collect, assort and arrange, systematize and present in an annual report to the Governor on or before the first day of December in each year, statistical details relating to all departments of labor and industry in the State of Montana, especially in relation to the agricultural, commercial, mining, manufacturing, educational and social interests and sanitary condition of the laboring classes and to the prosperity of all the productive industries of the State.

Section 3. Section 762 shall read as follows:

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Section 762. The commissioner shall have the power to administer oaths, have and use a seal, with power, to examine witnesses under oath, to take depositions or cause the same to be taken by any one authorized to take depositions, and said commissioner may deputize any male citizen over the age of twenty-one years to serve subpoenas upon witnesses who shall be summoned in the same manner as witnesses before the district court, and any person or owner, operator, or lessee of any mine, factory, workshop, smelter, mill, ware-house, elevator, foundry, machine shop or other establishment, any agent or employee of such owner, operator, manager or lessee, who shall refuse to said commissioner admission therein for the purpose of inspecting, or who shall when requested by him willfully neglect or refuse to furnish to him any statistics or other information relating to his lawful duties, which may be in their possession or under their control, or who shall willfully neglect or refuse for thirty days to answer questions by circular or by personal application, or who shall knowingly answer such questions untruthfully or who shall refuse to obey any such subpoenas and give testimony according to the provisions of this Act, shall for every such willful neglect or refusal be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than fifty nor more than one hundred dollars. Provided, that no witness shall be compelled to answer questions respecting his private affairs nor to go outside of his own county to give testimony.

Section 4. Section 763 shall read as follows:

Section 763. The commissioner of said bureau shall receive an annual salary of twenty-five hundred dollars and the chief clerk an annual salary of fifteen hundred dollars.

Section 5. Section 764 shall read as follows:

Section 764 The office of said commissioner shall be at the Capitol of the State where all the books, records and statistics of the bureau shall be kept. The rent, salaries and other expenses of the said office shall be paid by the State in the same manner as is provided by law for the payment of the salaries and expenses of other State Officers.

Section 6. Section 765 shall read as follows:

Section 765. The commissioner may incur such expenses as is necessary in the discharge of the official duties of said bureau, provided that such expense, including pay of commissioner and chief clerk, shall not exceed the amount appropriated therefor in each year.

Section 7. Section 766 shall read as follows:

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Section 766. It shall be lawful for the common counsel (Council?) of any incorporated city within this State to provide for the establishment of a free public employment office to be conducted on the most approved plans, and to provide for the expenses thereof out of the revenues of the city in which the same is established. The annual report of the commissioner of agriculture, labor and industry shall contain a detailed account of the transactions of all free employment offices within the State, showing the number of applicants for help, the number of applicants for employment, male and female, the number securing employment through said officers and the expenses thereof.

Section 8. Section 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, and 777 of the Political Code of Montana are hereby repealed.

Approved March 4, 1897.

SENATE BILL NO. 75.

An Act to amend Section 875 of the Political Code of the State of Montana concerning the salary of the Clerk of the Supreme Court.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 875 of the Political Code of the State of Montana be amended so as to read as follows:

"Section 875." The annual salary of the Clerk of the Supreme Court for all services now required or which may hereafter be devolved upon him by law, is Two Thousand Dollars.

Section 2. This act shall be in force and effect from and after its passage and aproval.

Approved March 4, 1897.

SENATE BILL NO. 116.

An Act entitled an Act to amend Article 9, Section 1059, of the Political Code, relating to the Bonds of Officers.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1059 of Article 9 of the Political Code be amended to read as follows:

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Section 1059. When the penal sum of any bond required to be given amounts to more than one thousand dollars, the sureties may become severally liable for portions not less than Five Hundred Dollars thereof, making in the aggregate a liability of double the amount named as the penal sum of the bond. And if any such bond becomes forfeited, an action may be brought thereon against any or all of the obligors and judgment entered against them either jointly or severally as they may be liable. The judgment must not be entered against a surety severally bound for a greater sum than that for which he is specially liable by the terms of the bond. Each surety is liable to contribute to his co-sureties in proportion to the amount for which he is liable.

Approved March 5, 1897.

SENATE BILL NO. 88.

An Act to amend Section 890 of the Political Code of the State of Montana relating to the Appointment, Qualification and Salary of the Reporter of the Supreme Court.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 890 of the Political Code of the State of Montana, relating to the appointment, qualification and salary of the Reporter of the Supreme Court be amended so as to read as follows:

"Section 890." The Justices of the Supreme Court shall appoint a reporter of their decisions, who shall hold his office and be removable at their pleasure. He shall be an attorney and counsellor-at-law, and shall receive an annual salary of Fifteen Hundred Dollars, payable in the same manner as are the salaries of other state officers.

Approved March 4, 1897.

SENATE BILL NO. 57.

An Act to amend Chapter III, Title II, of Part III of the Political Code by repealing sections 1224 to 1233 inclusive; by adding sections 1201 to 1208 inclusive and 1210 to 1216 inclusive and by amending sections 1209 and 1234 relating to registration of voters.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 1224 to 1233 inclusive of Chapter III, of Title

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II, of Part III, of the Political Code be and are hereby repealed.

Section 2. Sections 1201 and 1208 are hereby enacted and added to Chapter III, Title II, Part III, of the Political Code as follows:

Section 1201. There must be one registration agent for each registration district, created pursuant to this Chapter. All registry agents must be competent persons and must be appointed by the Board of County Commissioners. They must be resident freeholders and qualified voters in the several districts for which they are respectively appointed. They are authorized to administer oaths and affirmations and do such other acts as may be necessary to fully carry out the provisions of this Chapter. A registry agent holds his office until his successor is appointed and qualified. No person, a candidate for, or who holds a State, County, or other public office is eligible to or shall hold the office of registry agent of election. All registry agents must be appointed in each regular general election year, at the regular June meeting of the Board of County Commissioners and hold their office for the period of two years, except as in this Chapter otherwise provided, but they are subject to removal at any time by the Board of County Commissioners. In any registration district wherein any incorporated City containing five thousand population or more, is situated it is lawful for the County Commissioners to appoint two or more registry agents and in any district where two or more registry agents are so appointed, the County Commissioners must allot, by order entered upon their minutes, to each of such agents the particular precincts in which such agents shall make the registration under this Chapter.

Section 1202. It is the duty of the Chairman of the Board of County Commissioners of any County in the State, when he has received notice from any citizen of the death, disqualification, or resignation of any registry agent, after the opening and prior to the closing of the books of registration, to immediately without giving notice, appoint some competent person to fill such vacancy and it is the duty of such person, so appointed to qualify within two days after receiving notice of such appointment.

Section 1203. If the person so appointed fail to qualify within the time herein provided, voters may upon producing evidence of their right to vote, be registered in any other district in said county, and any person so registered in any other district must upon presentation and surrender of a certificate of registration, signed by the registry agent of said district be considered a legal voter in the precinct of the district in which he resides.

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Section 1204. If any person applies to be registered in any district other than the one in which he resides, and is entitled upon proof to a certificate of registration as provided in the next preceding section, such applicant, in addition to the proof required by this Chapter to entitle him to registration must take and subscribe an oath before the registry agent in substantially the following form:

"I do solemnly swear or affirm that I make the application for registration in District No.....of.....County, Montana because there is no registry agent within District No.....which is the district within which I reside and am entitled to vote." Upon taking such oath, such person is entitled to receive from the registry agent of such district a certificate which must bear the registration seal, and be substantially as follows: to-wit,

REGISTRATION CERTIFICATE.

"I hereby certify that.....has made proof before me that he is a citizen of the United States, of the age of.....years, and has been a resident of Montana for the past year, and a resident of the county for thirty days and that he is in all respects a qualified voter, under the laws; and that he has been registered in my district, because there is no registry agent within District No.....within which he resides. I further certify that he is entitled to vote in Precinct No.....of District No....., ...County, Montana.

Witness my hand and the seal of the District No....., ... County, Montana.

(Seal.)

.....

Registry Agent, District No.....

Section 1205. The Board of County Commissioners of the several counties must provide for the registry agents in their respective counties, when and where required, all proper and necessary books, seals, and stationery to carry out the provision of this chapter. They must furnish for each registration district a bound book which shall be known as the "Official Register," which shall be of sufficient size to register the voters of the district for the period of eight years and which must be ruled in columns of suitable dimensions to provide for the following entries, opposite to the name of each elector, to-wit;

1. Number of the Register

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2. Date of Registration.
3. Name of Elector.
4. Age of Elector.
5. Where born.
6. Number of ward or name of precinct.
7. Description of residence.
8. Certificate of Naturalization, or a certified copy thereof, exhibited.
9. Date of the cancellation of the entry.
10. Reason for cancellation.

They must also furnish each registry agent, with a seal, which must be engraved substantially as follows.....County, Montana. Registry Seal, Registration District No..... The name of the County and the number of the registration district must be engraved upon the seal, to correspond to the County and registration district in which such seal is to be used. The "Official Registers," seals, affidavits and other papers shall be returned to the County Clerk by the Registry Agent within one week after the day of election.

Section 1206. It is the duty of the registry agent at any time when called on to do so, at their respective offices and not elsewhere, between the hours of nine and nine P. M., on all legal days, from nine A. M. of the third Monday prior to any general election to nine P. M. of the following Saturday, to receive and register the names of all persons legally qualified and entitled to vote at such election, or who, (being otherwise qualified) will have legally acquired a residence at the date of election, and who have a right to vote at such ensuing election, according to the provisions of the law under which said election may be held, in each election precinct within their respective district. Provided that, except in registration district included in an incorporated town or city containing, at the last preceding state election, over one thousand registered votes, such general registration of all votes shall only be required every eighth year, from and after the year 1898, and any person who has been registered in any district, except as above noted, at any time within said eight year periods, and who has been a continuous resident of such district since such registration shall be entitled to vote, if otherwise qualified without further registration. If at any time it shall be made to appear, by the affidavits of two credible and responsible electors of the district that any registered person has died or permanently removed from the district, the registry agent shall place such affidavits on file and shall cancel

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the entry with red ink, and shall enter the date and cause of such cancellation in the column provided for the purpose, and such cancelled name shall not appear in the printed list, copies of the Official Registers and Check Lists herein provided for.

Section 1207. Registry agents must enter on the "Official Register," under the proper heading, the number and date of registration, the name (with the first of given name in full), the age and nativity of the elector, together with the number of the ward or name of the precinct, and a particular description of the house, building, or room, in which he resides, such as will enable a person of common understanding to find the same without difficulty, and when the person so registered is of foreign birth, the fact of the exhibition of, or failure to exhibit, his certificate of naturalization or certificate of intention to become a citizen or a certified copy thereof, must be noted in the column provided for the purpose, which list properly entered, as in this section provided, is to be known as the "Official Register" of the electors of the respective districts. If any person fails or refuses to give his residence with the particularity required in this section, he must not be registered.

Section 1209. (1208?) Each registry agent must cause to be published in at least one newspaper published with his district, and if there be no newspaper published in such district then in a newspaper published at the nearest point to his district, and within the county in which such district is situated, for twenty days before the expiration of the time provided for registration, prior to any general election, a notice, signed by the registry agent, to the effect that the time for the registration of the names of the qualified electors in Election District No....., giving the names also of the several precincts embraced within such registration district, prior to the election (specifying the election) to be held on the.....day of ....., A. D 18....; for the county of.....Montana will expire at nine o'clock P. M. on the.....day of.....A. D. 18.... The publication of said notice must continue until the expiration of the time provided for said registration.

It is hereby made the duty of the registry agent on or before the first day upon which he is required to commence registration of voters, to publish in some newspaper within his county a public notice stating when he will sit within each and every precinct in his registration district. In such notice he shall designate some place at his home office where he shall be found when not sitting within the other precincts. He shall also

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designate in such notice not less than one day, on which he will sit within each precinct and name the exact place where he will be found.

If there be no newspaper published in his district then copies of such notices shall be posted in not less than five (5) conspicuous places within said district and shall be kept posted during the period of registration. Any elector qualified to register within an election district may register in any precinct within the district but shall give the number or name of the precinct within which he resides.

Section 3. Section 1209 is hereby amended so as to read as follows:

Section 1209. Every person applying to be registered must, before he is entitled to have his name registered take and subscribe the following oath or affirmation, which must be administered by the registry agent, I do solemnly swear (or affirm), that I am a citizen of the United States, of the age of twenty-one years and will have been a resident of Montana one year, and of this county thirty days, on the day next preceding the day of the next ensuing election, and that I am not registered elsewhere in Montana for this electoral year, So help me God" (or under the pains and penalties of perjury, Provided, That when any person applies to be registered, who swears that he will be entitled to become a full citizen of the United States before the day of election, and is otherwise qualified to be registered, he shall be registered.

The registry agent shall write opposite the name of a person, registered by virtue of this proviso, the words "To be challenged" and such person shall not be entitled to vote unless he exhibits to the judges of election, his final naturalization papers. The registry list shall be opened at all times during the registration period to inspection by any qualified elector

Section 4. The following sections, numbered 1210 to 1216 inclusive are hereby enacted and added to said Chapter III, of Title II, of Part III, Political Code.

Section 1210. When any person appears and demands to be registered, whom the registry agent does not know to be entitled to registry under the qualifications required by law for the election then ensuing, the registry agent must question the applicant generally under oath as to his qualifications as an elector and if satisfied must enter his name in the register, but if the registry agent is not fully satisfied, or if the applicant be challenged by a qualified elector of the county, stating distinctly the grounds of challenge, the registry agent must require the applicant to answer truly, under oath or affirmation, the following questions together

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with such other question as such registry agent may consider necessary or proper, testing his qualifications as an elector for the ensuing election, to-wit:

1. Are you a citizen of the United States?

2. Are you now, or will you be twenty-one years of age prior to the day of the next ensuing election?

3. On the day of the next ensuing election, will you have resided in Montana one year, and in this county thirty days next preceding the day of said election?

4. Are you now a resident of the registration district in which you propose to be registered?

5. Are you registered for this electoral year in any other registration district in the name you have now given, or in any other name?

If any of the foregoing questions are answered in the negative except the fifth, or that in the affirmative the applicant must not be registered, but if the applicant answer all the foregoing questions in the affirmative except the fifth and that in the negative and if the answers to other questions propounded do not show him to be disqualified, the applicant must be registered. A resident within the meaning of this Chapter, must be construed to mean a person who has resided or will have resided continuously within Montana for one year and in the county thirty days on the day next preceding the day of the next ensuing election. Whenever a person is registered under the provisions of this Chapter such registration is good for eight years, except as otherwise provided in Section 1206. A change of residence from a district or county will require a new registration; Provided that if any person who has been registered in any year shall exchange his residence before the period of registration closes he shall notify the registry agent with whom he registered of such change and request him to cancel such registration; and he shall obtain from such registry agent a certificate under the hand of such registry agent and the seal of the district, that such registration has been cancelled, giving the date thereof; any person except in districts containing incorporated towns or cities of more than one thousand electors, and except in the years of general registration provided in section 1206 of the chapter, so changing his residence between the period of registration shall give like notice and obtain a like certificate of cancellation and such certificate must be presented and surrendered to any other registry agent where such person offers to register, before he will be entitled to register again, notice of change of residence may be given in person or by letter and if

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given by letter the signature shall be witnessed by two persons free holders and electors of the State.

Section 1211. For the purpose of registration or voting, the place or residence of any person must be governed by the following rules as far as they are applicable:

1. That place must be considered and held to be the residence of a person in which his habitation is fixed and to which, whenever he is absent, he has the intention of returning.

2. A person must not be held to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, or of this State, nor while a student at any institution of learning, nor while kept at any almshouse or other asylum at the public expense, nor while confined in any public prison, nor while residing upon any Indian or Military reservation.

3. No so soldier, seaman, or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of being stationed at any military or naval place within the same.

4. A person must not be considered to have lost his residence who leaves his home to go into another State, or other district of this State, for temporary purposes merely with the intention of returning, provided he has not exercised the right of the election franchise in said state or district.

5. A person must not be considered to have gained a residence in any county into which he comes for temporary purposes merely without the intention of making such county his home.

6. If a person removes to another state with the intention of making it his residence, he loses his residence in this State.

7. If a person removes to another state with the intention of remaining there for an indefinite time, and as a place of present residence, he loses his residence in this state, notwithstanding he entertains an intention of returning at some future period.

8. The place where a man's family resides is presumed to be his place of residence, but any man who takes up or continues his above (abode?) with the intention of remaining, or a place other than where his family resides, must be regarded as a resident of the place where he so abides.

9. A change of residence can only be made by the act or removal joined with the intent to remain in another place. There can only be one residence.

A residence cannot be lost until another is gained.

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10. The term of residence must be computed, by including the day on which the persons residence commences and by excluding the day of election.

11. Any person living upon an Indian or Military reservation shall not be deemed to be a resident of Montana, within the meaning of this Chapter, unless such person has acquired a residence in some county in Montana prior to taking up his residence upon such Indian or Military reservation; provided that if such person shall not be in the employ of the Government while residing upon such Indian or Military reservation, such person shall not be considered a resident of the State of Montana.

Section 1212. When a naturalized citizen applies for registration his certificate of naturalization or a certified copy thereof must be produced and stamped, or written in ink by the registry agent with such registry agent's name and the year and day and county where presented, but if it satisfactorily appears to the registry agent, by the affidavit of the applicant (and the affidavit of one or more credible electors as to the credibility of such application when deemed necessary), that his certificate of naturalization or a certified copy thereof is lost or destroyed or beyond the reach of the application for the time being said registry agent must register the name of said applicant, unless he is by law otherwise disqualified; but in case of failure to produce the certificate of naturalization or a certified copy thereof except as provided in section 1209 of this Chapter the registry agent must propound to him the following questions.

1. In what year did you come to the United States?

2. In what state or Territory, county, court, and year were you finally admitted to citizenship?

3. Where did you last see your certificate of naturalization, or a certified copy thereof?

The said affidavit must be retained by the register agent and returned with the register to the County Clerk. No person shall be required to exhibit his naturalization papers or make said affidavit a second time, where he has been a continuous resident of the same district and where his name is upon the official register in the possession of the registry agent.

Section 1213. On the day next succeeding that on which the registraiton of electors, prior to any election mentioned in this Chapter, shall have been closed, the registry agent must with all reasonable expedition, and within four days, prepare and cause to be written or printed, a full and complete and true list of all the names then remaining, or the official register for each election precinct, alphabetically arranged, commencing

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with the surname of each, and then must write or print such reasonable number of copies of each registration district list as they may deem necessary showing on one sheet, but under separate headings in such list the registered voters in each precinct in the district; at least five copies of which said list he must cause to be posted up in as many public an conspicuous places within each and every district to which they apply. Each registry agent must, as soon as such lists are printed or written, subscribe and make oath to one copy thereof, as being a true correct and complete list of all electors registered in his registration district from the commencement to the close of the registration in said district, and must within two days after the publication or writing of such list, deliver personally or by registered letter such verified copy to the County Clerk of that county, to be by him posted in a conspicuous place in his office until election day, and thereafter filed away, as other records of the county, and the remainder of such lists must be distributed among the electors of the respective precincts.

Section 1214. The registry agents must give notice in said lists that they will receive objections to the right to vote of any person so registered until six o'clock P. M. on the Saturday previous to the day of the election; and also requesting all persons whose names may be erroneously entered in said lists or erroneously cancelled upon the "Official Register" to appear at the proper registry office and have such error corrected. Such objections to the right to vote of any person registered must be made only by a qualified elector, in writing duly verified setting forth the grounds of objection or disqualification. The registry agent before whom any such affidavits are made must carefully preserve the same and deliver them, with the "Check List" and other papers required by this Chapter, to be delivered to the judges of election, as is in this Chapter provided and he must write distinctly opposite to the name of any person to whose qualifications as an elector objections may be thus made, the words to be challenged" or words to that effect. It is the duty of the judges of election, if on election day such person who has been objected to applies to vote, to test, under oath his qualifications and if he is found to be disqualified, from any cause under the law, or if he refuses to take an oath as to his qualifications he must not be permitted to vote. Any elector whose name has been erroneously cancelled upon such official register shall be re-registered upon making affidavit supported by the affidavit of a freeholder and qualified elector of the district that he has been a continuous

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resident of the district since his last previous registration and he is fully qualified to be registered.

Section 1215. During the time intervening between the closing of any registration of electors and the day of the next ensuing election, each registry agent must carefully copy from the official register into suitable books, one for each election precinct within his district, the names of the electors registered for such election precinct, alphabetically arranged (the surname first) entering opposite each name the number it bears on the official register together with words requiring challenges and all other entries therein found opposite the name. The registry agent must also prepare in suitable books to be known as "check lists" one for each election precinct a list of the names of all electors found on the official register for such election precinct alphabetically arranged (the surname first) with the number each name bears in the official register placed at the left of the name and with a blank column at the right for the use of the judges at election headed with the words—"Voted at the general election 18—.

Section 1216. The copy of the official register together with the "check lists" for each election precinct must be carefully prepared and duly certified to by the registry agent and delivered together with the affidavits mentioned in the preceding sections of this chapter to one of the judges of election, in each election precinct not later than the day next preceding that on which such election is to be held, and such copy of the official, register, "check list," affidavits and any surrendered certificate of registration must be preserved and transmitted by the judges of election to the county clerk of the county, as part of the election returns of said precinct. If any registry agent refuses or fails to furnish to the judges of election of any precinct, the lists of electors, provided for in section 1215 the judges of election are authorized to take a copy of the printed or writen lists of electors, provided for in this chapter, and conduct the election in said precinct, in accordance with the provisions of this title and their returns must show the reason for using such lists instead of the regular lists, herein provided at such election.

Section 5. Section 1234 is hereby amended so as to read as follows:

Section ——. No person shall be entitled to vote at any election mentioned in this Act unless his name shall, on the day of election, appear in the copy of the official register or check lists, furnished by the registry agents to the judges of election, at the precinct at which he offers to vote, except as otherwise provided in this Chapter; and the fact that his

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name so appears in the check lists and in the copy of the official register, in the possession of the judges of election, shall be prima facie evidence of his right to vote; Provided, that when the judges shall have good reason to believe, or when they shall be informed by a qualified elector that the person offering to vote is not the person who was so registered in that name, the vote of such person shall not be received until he shall have proved his identity as the person who was registered in that name.

Approved March 9, 1897.

SENATE BILL NO. 74.

An Act authorizing the issuance of bonds to provide for the payment of outstanding warrants and for the erection and completion of a building for the school of mines at the City of Butte and providing for the payment of interest thereon, and repealing of sections 1584, 1600 and 1601 of the Political Code of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Board of School of Mines Commissioners and the State Board of Land Commissioners of the State of Montana are hereby authorized to issue and dispose of bonds for the purpose of erecting a building to be known as the "School of Mines Building" to be located in the City of Butte, Montana, under the following conditions and restrictions, to-wit:

First. The aggregate amount of bonds authorized by this Act shall not exceed the sum of One Hundred and Twenty Thousand Dollars ($120,000.)

Second. The denomination of each bond shall be one hundred dollars, or any multiple thereof, but the maximum amount of any bond shall not exceed the sum of One Thousand Dollars.

Third. The term of said bonds shall not exceed thirty years from their date, and they shall be payable at any time after fifteen years from their date at the option of the issuers.

Fourth. The bonds may bear any rate of interest not in excess of six per centum per annum, and the interest may be payable semi-annually.

Fifth. The principal and interest shall be payable at such place and in such manner as is designated in the bond.

Sixth. The Board of School of Mines Commissioners and the State

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Board of Land Commissioners shall prescribe the form of the bond, the bonds shall bear upon their face the words "School of Mines Building Bond of the State of Montana" and they shall be signed by the members of the Board of School of Mines Commissoners and the State Board of Land Commissioners and shall be countersigned by the Secretary and the Treasurer of the State and the seal of the State, shall be affixed to each bond, and the bonds shall be registered in the office of the State Treasurer.

Seventh. The coupons representing the interest on the bonds shall be signed by the State Treasurer, or an engraved or lithographic fac-simile of the signature of the Treasurer may be affixed thereto provided it is so authorized in the bond.

Section 2. The bonds provided for in this act shall be disposed of by the Board of School of Mines Commissioners and the State Board of Land Commissioners in such a manner as they shall deem it for the best interests of the State, provided, that no bond shall be disposed of for less than its par value.

Section 3. To provide for the payment of the interest and principal of the bonds authorized by this act, there is hereby created a special fund to be known as "The School of Mines Building Interest and Sinking Fund," into which shall be paid all sums of money realized from sales of lands, licenses to cut trees, leasing of lands, profits of any and all other sources by reason of the grants of lands by Congress to the State of Montana for the establishment and maintenance of a school of mines, as provided by sections 12 and 17 of an act of the United States Congress entitled "An Act to provide for the division of Dakota into two states, and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and State Governments, and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States," approved February 22nd, 1889, and from said "School of Mines Building Interest and Sinking Fund" there shall, as the same become due and payable, be paid the interest on said bonds; and it is further provided, that it is the duty of the "State Board of Land Commissioners" whenever there are any funds in the said "School of Mines Building Interest and Sinking Fund" over and above the sum of twenty-five hundred dollars in excess of the amount required to pay the yearly interest on said bonds, to invest such excess funds in the manner set forth and provided in section 4 of this act, and the amount so invested shall constitute a "permanent fund" to pay the

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principal of the said bonds; but all interest or profit derived from the investment shall be paid into the said "School of Mines Building Interest and Sinking Fund" and the principal and interest of the said bonds shall be a first lien upon said funds; and all the lands granted and belonging to the State, for the purpose of establishing and maintaining a School of Mines.

Section 4. The State Board of Land Commissioners are hereby authorized and directed to create a "permanent fund" for the payment of the bonds authorized by this act, from the following revenues, to-wit: Whenever the revenues in any year are sufficient to pay the interest on the said bonds and there shall be in excess thereof the sum of twenty-five hundred dollars, then any and all funds over and above the said sum of twenty-five hundred dollars shall be invested for the benefit of the "School of Mines Building Interest and Sinking Fund" as follows, to-wit:

First. In the bonds authorized by this act, provided they can be purchased at a cost not exceeding their par value and accrued interest.

Second. In any legally issued bonds of any county, school district, city or town of the State of Montana, provided they can be purchased at a cost not exceeding their par value and interest.

Third. In any legally issued General Fund Warrants of the State of Montana, or any legally issued warrants of county, city or town of the State of Montana, provided they can be purchased at a cost not exceeding their par value and accrued interest; and the said Board of Land Commissioners are hereby granted discretionary power in the selection and purchase of the securities hereinbefore described, as to the amount of each they shall purchase and conditions of general credit affecting the same.

Section 5. It is hereby provided and set forth, that in the event the State of Montana shall at any time provide and pay the interest, or any part thereof, on the bonds authorized by this act, from the general fund of the State, or by any special appropriation made or tax levied therefor, then for any and all interest so paid, the State shall be reimbursed from the said "School of Mines Building Interest and Sinking Fund", by the payment of the amount so paid or due, whenever there is sufficient money in said "School of Mines Building Interest and Sinking Fund" to pay the same.

Section 6. The State Treasurer is hereby designated as the custodian of the funds provided by this act and he shall pay all warrants properly

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drawn by the "Board of School of Mines Commissioners" save and excepting as to the interest on the bonds, which he shall pay as the same becomes due and charge the amount thereof to the "School of Mines Building Interest and Sinking Fund hereinbefore created.

Section 7. All moneys received from the sale of the bonds authorized by this act shall be paid to the State Treasurer, and shall constitute a special fund for the erection of the "School of Mines Building, and shall be disbursed by the State Treasurer on warrants properly drawn by the "Board of School of Mines Commissioners" and including all warrants heretofore drawn by the "Board of School of Mines Commissioners" and registered prior to the passage of this act.

Section 8. Whenever any of the bonds authorized by this Act shall become due and payable, and there is sufficient funds to pay the same, they shall be called in and paid in the order of their issuance, beginning with the lowest number.

Section 9. The cost and expenses of issuing the bonds hereinbefore authorized may be paid out of the proceeds thereof, or be chargeable to the expense of the construction of the building.

Section 10. In the event there shall not at any time be sufficient money in the "School of Mines Building Interest and Sinking Fund" to pay the interest when due, the State Board of Land Commissioners and the Board of School of Mines Commissioners shall, by an order entered on their minutes or record books, cause warrants to be issued on the said "School of Mines Building Interest and Sinking Fund" for the amount of interest due, and the warrants so issued shall be registered in the office of the Treasurer of the State, and shall bear interest at the rate of six per centum per annum, and said warrants shall be paid by the State Treasurer whenever there is sufficient money accumulated in said fund to pay the same, and by reason of the delivery of said warrants to the holders of said bonds and the surrender of the interest coupons, there shall be no default in the payment of interest.

Section 11. Nothing in this Act shall be so construed as to in any wise hold the State of Montana liable for the payment of the bonds herein authorized, except as to the lien heretofore created against the lands and funds granted for the purpose of establishing and maintaining the School of Mines and which lien shall not be abridged, annulled or set aside until the bonds authorized by this act shall have been fully paid, together with the interest thereon and the Governor is hereby specially authorized and

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empowered to use all lawful means to enforce the provisions of this act.

Section 12. Section 1584, 1600 and 1601 of the Political Code of the State of Montana and all acts and parts of acts in conflict with this act are hereby repealed.

Section 13. There is hereby appropriated from the proceeds of the sale of bonds authorized by this act the sum of one hundred and twenty thousand dollars ($120,000) for the fiscal year ending December the first 1897.

Section 14. This act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 8th, 1897.

SENATE BILL NO. 104.

An Act to amend Section 1656, Chapter 5, Title 3, Part 3 of the Political Code of Montana, providing for the appointment of an Executive Board for the Direction and Control of the State Normal School, and defining the powers and duties thereof, and also providing for the acceptance of bequests and donations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1656 of Chapter 5, Title 3, Part 3, of the Political Code of Montana be amended so as to read as follows:

"Section 1656." The Governor, by and with the advice and consent of the State Board of Education, may designate and appoint an executive board, consisting of five members, at least three of whom shall be residents of the county wherein the said institution is situated, which executive board shall have the immediate direction and control of the affairs of said school, subject only to the general supervision of the State Board of Education, and such executive board shall serve during the term of the State Board of Education, unless sooner removed by the Governor. The Executive Board is authorized to choose and appoint a President and faculty of said School, who shall serve as such for such time and receive such compensation as the executive board may prescribe, subject however at all times to the approval of the State Board of Education. The Executive Board shall appoint a secretary thereof, who may also act as treasurer of the said board, and who may not be a member thereof, and such secretary

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and treasurer shall give a bond with good and sufficient surety for the faithful performance of his duties as such, and for the faithful accounting for and paying over to the said State Board of Education, to and for the use of said school, all moneys received by him as treasurer, in such sum as said State Board of Education may prescribe. The said State Board of Education is hereby authorized and empowered to accept for and on account of, and for the use and benefit of the said Normal School, any bequests and donations to the State, made for the use and benefit of said school.

Section 2. This act shall take effect and be in force from and after its passage and approval.

Approved March 4, 1897.

SENATE BILL NO. 44.

An Act to amend Sections 1711, 1743, 1756, 1758, 1797 Sub-division 15, 1830 sub-division 3, 1848, 1862, 1902, 1903, 1904, and 1940 of Part 3, Title 3 of the Political Code relating to Education.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That said Section 1711 be and the same is hereby amended to read as follows:

"Section 1711." He shall attend and assist at teachers institutes and aid, and encourage generally, teachers in qualifying themselves for the successful discharge of their duties. He shall also as far as he shall find practicable address public assemblies on subjects pertaining to public schools, and shall labor faithfully in all practicable ways for the welfare of the public schools of the State and shall perform such other duties as shall be required of him by the law.

Section 2. That said section 1743 be and the same is hereby amended to read as follows:

Section 3. That said section 1756 be and the same is hereby amended to read as follows:

"Section 1756." The school trustees or school board of any district who shall employ any teacher in the public schools of their district for a period of more than three months or who shall not hold a legal certifi-

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cate of fitness for the occupation of teaching, in full force and effect, shall be deemed guilty of a misdemeanor. Provided, That this section shall not apply to such trustees as do not consent to such employment.

Section 4. That said section 1758 be and the same is hereby amended to read as follows:

"Section 1758." The trustees of any school districts using text-books other than those prescribed by law, (except for supplementary purposes) shall be deemed guilty of a misdemeanor. Provided, That the foregoing shall only apply to those trustees consenting to the use of such other books.

Section 5. That section 1797 be and the same is hereby amended to read as follows:

Section 1797. Every school board unless otherwise especially provided by law, shall have power and it shall be its duty:

1. To prescribe and enforce rules not inconsistent with law, or those prescribed by the Superintendent of Public Instruction for their own government of schools under their supervision.

2. To employ or discharge teachers, mechanics or laborers and to fix and order paid their wages; to determine the rate of tuition of non-resident pupils, and to fix the compensation to be allowed the clerk for the time necessarily spent in the service of the district, as required by law, or as directed by the board.

3. To enforce the rules and regulations of the superintendent of public instruction for the government of schools, pupils and teacher and to enforce the course of study.

4. To provide for school furniture and for everything needed in the school house or for the use of the school board.

5. To rent, repair and insure school houses.

6. To build or remove school houses and to purchase or sell school lots when directed by a vote of the district so to do.

7. To hold in trust for their district all real or personal property, for the benefit of the school thereof.

8. To suspend or expel pupils from school who refuse to obey the rules thereof, and to exclude from school, children under six years of age where the interst of the school requires such exclusion.

9. To provide books for indigent children on the written statement of the teacher that the parents of such children are not able to purchase them.

10. To require all pupils to be furnished with suitable books as a condition of membership in the school.

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11. To exclude from school and school libraries, all books, tracts, papers and other publications of immoral and pernicious nature.

12. To require teachers to conform to the law.

13. To make an annual report, as required by law, to the county superintendent on or before the first day of October in each year, in the manner and form and on the blanks prescribed and furnished by the superintendent of public instruction.

14. To make a report directly to the superintendent of public instruction whenever instructed by him to do so.

15. Whenever a pupil resident in one district desires to attend school in an adjoining district, such pupil shall be permitted to do so, Provided, that the board may refuse pupils from such district upon the ground of insufficient room. That the board of trustees shall have power to transfer the school moneys due by apportionment to such pupils to the district in which they may attend school; and provided further, That where any pupil lives five miles or more from the school in his district such pupil shall have the right to attend any school which is nearer, upon petition to the county superintendent. When such petition is made to the county superintendent he or she shall keep a record of the same on file in his office.

16. To determine what branches, if any, in addition to those required by law shall be taught in any school in the district, subject to the approval of the county superintendent.

17. To visit every school in their district at least once in each term and to examine carefully into its management, condition and want. This clause applies to each of the trustees.

18. To provide for each school house separate out houses for the sexes.

Section 6. That section 1830 be and the same is hereby amended to read as follows:

"Section 1830." The duties of the district clerk shall be as follows:

1. To attend all meetings of the board of trustees; but if he shall not be present, the board of trustees shall select one of their number as a clerk who shall certify the proceedings of the meeting to the clerk of the district, to be recorded by him. He shall keep his record in a book to be furnished by the board of trustees and he shall preserve a copy of all reports made to the County Superintendent and safely preserve and keep all books and documents belonging to his office, and shall turn the same over to his successors.

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2. To keep accurate and detailed accounts of all receipts and expenditures of school moneys. At each annual school meeting the district clerk shall present his record book for public inspection and shall make a statement of the financial condition of the district and of the action of the trustees and such record must always be open to public inspection.

3. To make annually, between the first and twentieth days of August of each year, an exact census of all the children and youth between the ages of six and twenty-one years residing in the district and shall specify the number and sex of such children and the names of their parents or guardians. He shall take specifically and separately, a census of all children under six years of age and shall specify the number and sex of such children. All children under twenty-one years of age who may be absent from home for any cause shall be included by the district clerk in this census list of the city, town or district in which their parents reside. He shall make a full report thereof on the blanks furnished for this purpose under oath to the county superintendent thereafter, and, deliver a copy to the school trustees. For taking the census the district clerk shall be paid by the board of trustees, from the county school money to the credit of the district, in the same manner as other contingent expenses are paid, at a rate not exceeding ten cents for each childs name returned by him. He shall receive such other compensation for other services as may be allowed by the board of trustees. In case any district clerk shall fail to take the census provided in this act, at the proper time and if through such neglect the district shall fail to receive its apportionment of school moneys, said school clerk shall be individually liable to the district for the full amount so lost and it may be recovered on a suit brought by any citizen of such district in the name of and for the benefit of the district.

Section 7. That said section 1862 be and the same is hereby amended to read as follows:

"Section 1862." The school day shall be six hours in length, exclusive of an intermission at noon; but any board of trustees in any district having a population of five hundred or more may fix as the school day a less number of hours than six; Provided that it be not less than four hours, except in the lowest primary grades where the pupils may be dismissed after an attendance of two hours.

Section 8. That said section 1902 be and the same is hereby amended to read as follows:

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"Section 1902." Each session of the institute must continue not less than three nor more than ten days.

Section 9. That said section 1903 be and the same is hereby amended to read as follows:

"Section 1903." When a teachers' institute has been appointed to be held for any county it may be the duty of the county superintendent to give written or printed notice to each teacher in the public schools of the county, and as far as possible to all others not engaged in teaching who are holders of teachers' certificate, at least thirty days before the opening of such institute of the time and place of holding it. Each teacher receiving such notice engaged in teaching a term of school which includes the time of holding such institute, may close school during such institute and attend the same upon permission of trustees of said district and may be paid by the school board of the district, regular wages as teacher for the time (not less than three days) he or she attended such institute, as certified by the county superintendent; Provided that no institute shall be held between the first day of June and the first day of September of any year.

Section 10. That said section 1904 be and the same is hereby amended to read as follows:

"Section 1904." For the purpose of defraying the expenses of the institute mentioned in the preceding section of this act, there shall be an institute fund created as follows:

First. All moneys received from the issuance of teachers' certificates by the county superintendent.

Second. Moneys received from appropriations by boards of county commissioners: and every board of county commissioners in each county in which a teachers institute may be held is hereby authorized and directed to appropriate for said institute fund as follows:

Counties of the first class not less than $150.00 nor more than $250.00.

Counties of the second class not less than $100.00 nor more than $200.00.

Counties of the third class not less than $75.00 nor more than $125.00.

Counties of the fourth, fifth, sixth, seventh and eighth classes not less than $25.00 nor more than $100.00.

Section 11. That said section 1940 be and the same is hereby amended to read as follows:

"Section 1940." The principal of the State school fund shall remain irreducible and permanent, The said fund shall be derived from the fol-

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lowing sources, to-wit: appropriations and donations by the State to this fund: donations and bequests by individuals to the state or common schools; the proceeds of land and other property which revert to the state by escheat and forfeiture; the proceeds of all property granted to the state, when the purpose of the grant is not specified or is uncertain; funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law; the proceeds of the sale of timber, stone, materials or other property from school lands other than those granted for specific purposes, and all moneys other than rental recovered from persons trespassing on said lands; five percentum of the proceeds of the sale of public lands lying within the state which shall be sold by the United States subsequent to the admission of the state into the Union as approved by Section 15 of the Enabling Act; the principal of all funds arising from the sale of lands and other property which have been and may be hereafter granted to the state for the support of common schools and such other funds as may be provided by legislative enactment.

"Section 1940"a. In addition to the provisions for the support of the common schools herein before provided, it shall be the duty of the county commissioners of each county in the state to levy an annual tax, which levy shall be made at the time and in the manner provided by law for the levying of taxes for county purposes, and said levy shall not be less than three mills on the dollar and not more than five mills on a dollar of the assessed value of all taxable property real and personal, within the county which tax shall be collected by the county treasurer at the same time and in the same manner as state and county taxes are collected for the further support of common schools there shall also be set apart by the county treasurer all moneys paid into the county treasury arising from all fines for violations of law unless otherwise specified by law, such moneys shall be forthwith paid into the county treasury by the officer receiving the same, and be added to the yearly school fund raised by tax in each county and divided in the same manner.

"Section 1940"b. The board of trustees of any district may at any time when in their judgment it is advisable submit to the qualified electors of the district the question whether a tax not to exceed ten mills on each dollar on the taxable property in the district shall be raised to purchase lots and to furnish additional school facilities for said district or for building one or more school houses, or for removing or building additions to one already built, for the purchase of globes, maps, charts, books of

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reference and other appliances or apparatus for teaching or for any or all of these purposes. Such election shall be called by posting notices in three public places in the district for at least fifteen days before the election and by publishing for at least one time in some newspaper published in the county in which the said district is located a notice of such election provided that this shall apply only to districts containing a school board of more than three trustees and conducted as nearly as practicable according to the provisions herein made for holding annual school elections. The notice shall contain the time and place of holding the election the amount of moneys proposed to be raised and the purpose or purposes for which it is intended to be used. At such elections the ballot shall be in form as follows: "Shall a tax not to exceed.....mills be raised to furnish additional school facilities for said district or for building a school house or for improving a school house or for building additions to one already built as the case may be)

Tax, Yes.

Tax, No.

The elector shall prepare his ballot by crossing out thereon parts of the ballot in such a manner that the remaining part shall express his vote upon the question submitted. If a majority of the votes cast are "Tax, Yes" the officers of the election shall certify the fact to the assessor of the county who shall at once proceed to copy from the last assessment roll of the county assessor the list of property liable to taxation, situated in or owned by residents of his district and shall deliver the same to the board of trustees who shall allow him therefor out of the proceeds of said tax two dollars per day. The trustees shall upon receiving the roll, deduct ten percentum therefrom for anticipated delinquencies, and then by dividing the sum voted, together with the estimated cost of assessing and collecting added thereto, by the remainder of the roll, ascertain the rate percentum required and the rate so ascertained (Using the full cent on each one hundred dollars in the place of any fraction shall be and is hereby levied and assessed to, on or against the persons or property named or described in said roll; and it shall be a lien on all such property until the tax is paid and said tax if not paid within the time limited within the next section for its payment shall be recovered by suit in the same manner and with the same costs as delinquent state and county taxes. The trustees upon receiving any assessment roll from the assessor shall give five days notice thereof by posting a notice in three public places in the district and shall sit for at least one day as a board of equalization at such time

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and place as shall have been named in said posted notices; and they shall have the same power as county boards of equalization to make any change in said assessment roll.

Section 12. All acts and parts of acts in conflict with the provisions of this act be and the same are hereby repealed.

Section 13. This act shall take effect and be in force from and after its passage.

Approved March 8, 1897.

SUBSTITUTE FOR SENATE BILL NO. 56.

An Act to amend Sections 1770 and 1782 inclusive of Article 4, Chapter 6, Title 3, Part 3 Political Code, relating to the election of school trustees and to amend said Article by adding thereto six additional sections with reference to the election of school trustees, providing for registration in certain districts and a compensation for school trustees in certain districts, and repealing all Acts and parts of Acts in conflict herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1770, Article 4, Chapter 6, Part 3, Title 3, Political Code be amended so as to read as follows:

Section 1770. An annual election for the election of school trustee or trustees shall be held in each school district in the State on the first Saturday in April in each year, at the district school house if there be one, and if there be none, at a place designated by the Board of Trustees or the Board of County Commissioners, as the case may be. All districts having a population of twelve thousand or more are, and hereafter shall be districts of the first class. All districts having a population of one thousand and less than ten thousand are and hereafter shall be districts of the second class, and all districts having a population of less than one thousand are and hereafter shall be districts of the third class. In districts of the first and second classes, the number of trustees shall be seven (7) and in districts of the third class, the number of trustees shall be three (3).

In school districts of the first class, any trustee at the time of the pass-

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age of this act, save those who are serving by appointment to fill vacancies, shall continue so to hold for the term of three years, from the third Saturday in the month of April of the year in which they were elected, and those filling vacancies until the third Saturday in April 1897, and at all subsequent elections, one or more trustees, as the case may be, must be elected. In new districts, the school trustees must be elected for one, two and three years respectively.

Section 2. That Section 1771, of Article 4, Chapter 6, Part 3, Title 3, Political Code be amended to read as follows:

Section 1771. In districts of the first class the election shall be under the supervision of the Board of County Commissioners of the county in which the same are situated, and shall be held and conducted as hereinafter provided.

Section 3. That Section 1772, Article 4, Chapter 6, Part 3, Title 3, Political Code be amended to read as follows:

Section 1772. In districts of the second and third classes, the election of school trustees shall be held and conducted under the supervision of the Board of School Trustees, the clerk of the school district must, not less than fifteen days before the election required under this act, post notices in three public places in said district and in incorporated cities, in each ward, which notices must specify the time and place of election, and the hours during which the polls will be open. The trustees must appoint by an order entered on their records, three qualified electors of said district to act as judges at such election and the clerk of the district shall notify them by mail of their appointment. Said judges shall appoint one of their number to act as clerk at such election. If the judges named are not present at the time for opening the polls, the electors present may appoint judges and the judges so appointed shall designate one of their number to act as clerk.

Section 4. That Section 1773, of Article 4, Chapter 6, Part 3, Title 3, Political Code be amended to read as follows:

Section 1773. In districts of the first class the board of county commissioners of the county shall, at least fifteen days before the election for the year 1897, and thereafter not less than thirty days before the day of the annual election of trustees, by an order entered upon the minutes of their meeting, designate and establish not less than two nor more than five polling places in such district, and create an equal number of election precincts to correspond and define the boundaries thereof.

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Section 5. That Section 1774 of Article 4, Chapter 6, Part 3, Title 3, Political Code be amended to read as follows:

Section 1774. The board of County Commissioners shall, at least ten days before the day of annual election for trustees in any district of the first class, appoint three qualified electors of the district for each polling place established, to act as judges of election, and the County Clerk shall notify such persons by mail of their appointment. Such judges shall designate one of their number to act as clerk at such election. If the judges appointed or any of them are not present at the time for the opening of the polls, the electors present may appoint judges, who must be qualified electors to act in the place of those who are absent. The County Clerk shall, at least fifteen days before the election required to be held under this Act, in districts of the first class, give notice of the election to be held in all said districts, by posting a notice thereof in three public places in the district, and in incorporated cities and towns in each ward, which notices must specify the time and place of election, the number of trustees to be elected, and the hours during which the polls will be open.

Section 6. That Section 1775 of Article 4, Chapter 6, Part 3, Title 3, Political Code be amended to read as follows:

Section 1775. In districts of the first class the polls must be opened at eight o'clock A. M. and kept open until twelve o'clock M. and from one o'clock P. M. until eight o'clock P. M. In districts of the second and third classes the polls may be opened for such length of time as the board of trustees may order: Provided that, such polls must be kept open from two o'clock P. M. to six o'clock P. M.

Section 7. That Section 1776 of Article 4, Chapter 6, Part 3, Title 3, Political Code be amended to read as follows:

Section 1776. Whenever in the judgment of the board of county commissioners the best interests of the district will be served by the publication of such notices of election in some newspaper in the county, they may, by an order entered on the minutes of their meeting, direct the County Clerk to publish the notice of election required to be given in districts of the first class in some newspaper in the county.

Section 8. That Section 1777 of Article 4, Chapter 6, Part 3, Title 3, Political Code be amended to read as follows:

Section 1777. Every citizen of the United States who has resided in the State of Montana for one year, and thirty days in the school district

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next preceding the election, may vote thereat. Women of the age of twenty-one years and upwards who are citizens of the United States, and who have resided in the State of Montana one year, and in the school district for thirty days next preceding the day of election, may vote thereat: Provided however that before any such person shall be entitled to vote in any district of the first class, he or she shall have registered as in this Act hereinafter required.

Section 9. That Section 1778 of Article 4, Chapter 6, Part 3, Title 3, Political Code, be amended to read as follows:

Section 1778. The voting must be by ballot, without reference to the general election laws in regard to nominations, form of ballot, or manner of voting in districts of the second and third classes. But in districts of the first class the ballot shall show the name or names of the candidates and the length of time for which they are to be elected. These ballots shall be as near as possible in the following form.

FOR SCHOOL TRUSTEES.

For three (3) year term

VOTE FOR THREE.

	JOHN ABNER
	WILLIAM BROWN
	ADAM SMITH

For one (1) year term.

VOTE FOR ONE.

	GEORGE DAVIS

In districts of the first class no person shall be voted for or elected as trustees, unless he or she has been nominated therefor by a bona fide public meeting held in the district at least ten days before the day of election, and at which at least twenty qualified electors were present, and a chairman and a secretary were elected, and a certificate of such nomination setting forth the place where the meeting was held, giving the names of the candidates in full, and if there are different terms to be filled, the term for which such candidate was nominated, duly certified by the chairman

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and secretary of such meeting, shall be filed with the county clerk at least eight days before the day of election. The nomination and election of any person shall be void, unless he or she was nominated at a meeting as above provided at which at least twenty qualified electors were present, and his or her nomination certified and filed as aforesaid, and the county commissioners shall not count any votes cast for any person, unless he or she has been so nominated and a certificate thereof filed as herein required. The county commissioners shall cause to be printed ballots of the form aforesaid, on which shall appear the names of all persons who were regularly nominated and whose certificate of nomination was properly filed as aforesaid. In district of the first class the person desiring to vote shall, at the time he or she presents his or her ballot, announce his or her name, and the judges of election if they find such name on the official check list, or if not and he or she takes the oath herein prescribed, one of the judges shall take the ballot and deposit it in the ballot box, and the clerk shall immediately write the name of such person on the poll list and one of the judges shall write opposite the said name on the official check lists the word "voted." Any person voting at such election who is not entitled to vote, and any person voting more than once thereat, shall be guilty of a misdemeanor and shall be punished accordingly; and any person taking a false oath, shall be guilty of perjury. No person shall be entitled to vote at any election for school trustees in any district of the first class, unless his or her name shall, on the day of election, appear on the official check list furnished by the county clerk to the judges of election: Provided, however, that if any person, otherwise qualified to vote, makes oath before one of the judges that he or she registered at any registry precinct in such district, naming it, before a registry agent giving his name, to vote at said election, and that his or her name does not appear correctly on said check list, or has been omitted therefrom, or that by reason of absence or sickness during the period of registration he or she was unable to register, the judges of election shall make an entry opposite his or her name on the poll list to the effect that he or she was sworn and voted, and shall permit him or her to vote. The county commissioners shall provide for each election of trustees double as many ballots as there are voters registered within such district. No other ballot than that provided by the county commissioners shall be received by the judges, and in districts of the first class, where a daily paper is issued, the commissioners shall cause to be published in at least one paper for three days preceding the election, such official ballot, and in such districts where there is no daily paper,

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but a weekly, the official ballot shall be printed at least once in a weekly paper. Trustees must provide in each polling place designated by them a sufficient number of booths, placed, or compartments, which must be furnished with such supplies as shall enable the elector to conveniently prepare his or her ballot, and in which electors screened from observation must mark their ballots. Guard railing must be so constructed that only persons within such railing and officers of election can approach within ten feet of the ballot boxes or the booths herein provided. Before delivering any ballot to an elector the judges must print on the back and near the top of the ballot, with a rubber stamp, the designation "official ballot." Each qualified elector shall receive from the judge one ballot. The elector on receiving his or her ballot must forthwith without leaving the polling place, and within the guarded rail provided, and alone, retire to one of the booths or compartments, and prepare his or her ballot, by marking a cross before the name of each candidate for whom he or she desires to vote. After preparing his or her ballot the elector must fold it so that the face of the ballot will be concealed, and so that the endorsement stamped thereon may be seen. He or she must then vote forthwith, and before leaving the polling place. Any elector who, because of physical disability or inability to read the English language is unable to mark his ballot, may request one of the judges to help him or her. Any elector who, by accident or mistake spoils his or her ballot, may on returning the spoiled ballot receive another.

Section 10. That Section 1779, of Article 4, Chapter 6, Part 3, Title 3, Political Code, be amended to read as follows:

Section 1779. Any person offering to vote may be challenged by any elector of the district, and the judges must thereupon administer to the person challenged an oath in substance as follows: You do solemnly swear that you are a citizen of the United States; that you are twenty one years of age; and that you have resided in this State one year, and in this school district thirty days next preceding this election, and that you have not voted this day. So help you God. If he or she is a resident of a district of the second or third class, and he or she takes this oath, his or her vote must be received; otherwise rejected. If he or she is a resident of a district of the first class and takes this oath, and has complied with the provisions of this Act, with reference to elections therein or complies herewith, his or her vote must be received; otherwise it shall be rejected. Any person who shall swear falsely before any registry agent or judge of election, shall be guilty of perjury and shall be punished accordingly.

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Section 11. That Section 1780, of Article 4, Chapter 6, Part 3, Title 3, Political Code, be amended to read as follows:

Section 1780. At every election held under this Act, in districts of the first class, a poll and tally list shall be kept by the judges and clerk at each polling place, and immediately after the close of the polls the judges shall count the ballots, and if there be more ballots than votes cast the judges must draw by lot from the ballots without seeing them, a sufficient number of ballots to make the ballots remaining correspond with the number of votes cast. The clerk shall write down in alphabetical order in a poll book provided for that purpose the name of every person voting, at the time he or she deposits his or her ballot. There shall also be provided a tally list for each polling place; after the ballots have been counted and made to agree with the poll list, the judges shall proceed to count them. The clerk shall enter in the tally list the name of every person voted for trustee, and the term, and tally opposite his or her name, the number of votes cast for him or her and at the end thereof set down in a column provided for that purpose the whole number of votes he or she has received. The judges and clerk shall sign a certificate to said tally list setting forth the whole number of votes cast for each person or trustee, designating the term, and they shall verify the same as being correct to the best of their knowledge before an officer authorized to administer oaths. No informality in such certificate shall vitiate the election, if the number of votes received for each person can reasonably be ascertained from said tally list. In districts of the second and third class said books and tally lists shall be returned to the board of trustees of the district, who shall canvass the vote and cause the clerk of district, to issue certificates of election to the person or persons elected, designating their term, a copy of which must be forwarded to the county superintendent of schools. In districts of the first class said poll books and the tally lists shall be delivered to the county clerk, and the board of county commissioners shall canvass the votes. School trustees are hereby authorized to administer oaths to the judges of election, and the oath of office to the trustees elected.

Section 12. That Section 1781, of Article 4, Chapter 6, Part 3, Title 3, Political Code be amended to read as follows:

Section 1781. The Board of County Commissioners shall canvass the votes of all districts of the first class in the same manner that they are required to canvass the votes at other elections and declare the results. The County Clerk shall thereupon make out and mail to the person or persons

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elected a certificate of election, stating the term, and shall mail a copy thereof to the county superintendent of schools.

Section 13. That Section 1782, of Article 4, Chapter 6, Part 3, Title 3, Political Code, be amended to read as follows:

Section 1782. Trustees elected shall take office immediately after qualifying and shall hold office for the term of three years and until their successors are elected and qualified, or appointed by the county superintendent of schools and qualified. Every trustee elected shall file his or her oath of office with the county superintendent of schools. Any trustee who shall fail to qualify within fifteen days after being elected shall forfeit all rights to office, and the county superintendent of schools shall appoint to fill the vacancy.

Section 14. That there shall be added to said Article 4, Chapter 6, Part 3, Title 3, Political Code, as new enactments the following additional Sections, to be hereafter designated and known as Sections 1783, 1784, 1785, 1786, 1787 and 1788:

Section 1783. Any person, male or female, who is a qualified voter at any election under this act, shall be eligible to office of school trustee in such district.

Section 1784. The board of county commissioners of every county in which there shall be a school district of the first class shall, at least fifteen days before the school election for the year 1897, and thereafter at least twenty days before the next annual school election, by order entered on the minutes of the board, lay out such district into not less than two nor more than thirty registry precincts as may seem to the board most necessary, and shall define the boundaries thereof, which shall be known as School Registry Precinct No. 1, School Registry Precinct No. 2, and so on. They shall at the same time the registry precincts are established, appoint one person, male or female, qualified to vote at the coming election in such precinct, registry agent for such precinct, and of the number of registry agents appointed, they shall designate one as principal registry agent for said school district. All registry agents shall be appointed annually, and they are hereby authorized and empowered to administer oaths and affirmations, and to do such other acts as may be necessary to carry out the purposes of this Act. Before entering upon the duties prescribed in this Act, the registry agents must severally take and subscribe before an officer authorized to administer oaths the constitutional oath of office, and file the same with the county clerk of their respective counties. The

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Board of County Commissioners shall designate the place where the office of every registry agent appointed under this Act shall be kept, and they shall cause to be published in a newspaper in the district, or posted in at least three places in each registry precinct, a notice of registration, which shall describe the boundaries of each registry precinct, give the location of the office, and the name of the registry agent therefor, and the date when, and the hours during which the office of the registry agent will be open, and during which persons residing in said precinct may apply and be registered therein. This notice must be published or posted for three days preceding the day when the registration begins, and continued until registration is closed, and shall be issued and signed by the county clerk. Every registry agent appointed under this Act, shall open his office for the purpose of registering votes in his or her district on the tenth day preceding the day of the next annual election for school trustees: Provided, said day be not Sunday or a legal holiday; and should said day be Sunday or a legal holiday, then he or she shall open his or her office on the ninth day next preceding the day of election. He or she shall keep his or her office open between the hours of nine A. M. and twelve M. and one P. M. and five P. M. and from six P. M. until ten P. M. for the period of three days, not including Sunday or a legal holiday and during said time he or she shall register the names of all persons residing in his or her registry precinct, qualified and entitled to vote at the coming election, or who will have a vote thereat under the provisions of this Act. Registry agents shall not sit on Sundays or legal holidays, and while not opened required to register, during the hours of, from twelve to one P. M. and five to six P. M. they may nevertheless do so if they desire, each registry agent shall be provided with an official register. He or she shall enter therein under the proper heading, the number and date of registration the name, with the first or given name in full and the nativity of the elector, together with the number or a particular description of the house, room or building where the elector resides so as to reasonably identify the same. The names shall be entered in alphabetical order the surname being written first. Every person desiring to be registered for such election must apply to the registry agent for the precinct in which he or she shall reside, at his or her office during the hours of registration. No persons shall be registered by any registry agent unless such person is at the time a resident of his or her precinct. Every person applying to the registry agent shall, before he or she shall be entitled to have his or her name registered, take and subscribe to the following oath or affirmation, which shall be admin-

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istered by the registry agent to-wit: I do solemnly swear or affirm that I am a citizen of the United States, or that I am entitled to become a citizen of the United States, and it is my honest intention to become such before the school election day of this year; and that I am of the age of twenty-one years, and will have actually and not constructively, been a bona fide resident in Montana twelve months, and in the school district thirty days next preceding the day of election, and that I am not registered elsewhere in this school district for this election year, So help me God. The registry books shall be open at all times to the inspection of any electors of the district.

Section 1785. The county commissioners in establishing the voting precints and registry precincts shall so arrange them that each voting precinct in which a polling place shall be established shall be composed of a certain number of designated registry precincts. On the next day succeeding that on which the registration is closed each registry agent shall deliver to the county clerk of his or her county his or her official registry duly certified by himself or herself. The principal registry agent of each district shall immediately enter upon the work of making therefrom official check lists. He or she shall copy into books to be provided for that purpose and to be known as the official check lists for each election precinct, designating the number of the voting precinct thereon, all the names in alphabetical order contained in the several official registers which have been returned from the several registry precincts within said voting precinct, together with the other entries contained in the official registers and shall complete the making of one official check list in such manner for each election or voting precinct which has been established, within five days. The county commissioners shall allow him or her such assistance as may be necessary to complete such official check list within such time. When he or she has completed the official list he or she shall verify each of them by his oath that the same is correct according to his or her best information, knowledge and belief and deliver the same with all official registers to the county clerk who shall on the day of election at or before the time for the polls to open, deliver the official check list for each election precinct or polling place to one of the judges thereof at such polling place.

Section 1786. All the expenses necessarily incurred in the matter of holding elections for school trustees shall be paid out of the school funds of the district. For districts of the first class the county commissioners

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shall provide all the stationery, books and supplies and all bills and claims therefor and for the expenses of such election shall be presented to and allowed by the board of County Commissioners when audited by the County Auditor as other claims, and said board shall thereupon cause the same to be certified and delivered by the County Clerk to the proper board of school trustees, who shall cause the same to be paid out of the school funds of the district as other school expenses are paid. All registry agents shall receive the sum of four dollars per day each for the time which they shall be engaged in work of registration; judges of election in districts of the first class shall receive not to exceed five dollars per day each for all services connected with the election. Judges of election in other districts shall receive no compensation. The compensation hereby provided shall be paid in the same manner as other claims.

Section 1787. Every school trustee in a district of the first class, provided said district shall have a population not less than twenty thousand, shall give an official bond in the sum of ten thousand dollars to his or her district for the faithful discharge of his or duties, and he or she shall be entitled to receive out of the school funds of the district the sum of four dollars for each meeting of the Board of Trustees, which he or she shall attend, in giving the necessary attention to school business, not exceeding, however, four meetings in any one month, and he or she shall receive no compensation for his attendance at any meeting unless he or she attends throughout its entire session. The compensation here provided shall be audited and allowed by the board of trustees and entered upon their records..

Section 1788. This Act shall be in force immediately upon its passage and approval by the Governor. And all acts and parts of acts in conflict herewith are hereby repealed.

Approved March 6th, 1897.

SUBSTITUTE FOR SENATE BILL NO. 81.

An Act to amend Section 1911 and 1912, of Article 13, Chapter 6, Title 3, of the Political Code, relating to the examination and certificates of teachers.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1911 of Article 13, Chapter 6, Title 3, Part 3 of the Political Code be amended as follows:

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"Section 1911." County Certificates shall be of four grades. The professional grade for a term of not less than four years, and the first grade certificate for a term of not less than three years, and the professional and first grade certificate shall be good and valid for as long as the holder thereof continues teaching and gives the county superintendent satisfactory evidence of progress and efficiency, the second grade certificate shall be valid for a term of two years, and the third grade certificate shall be valid for a term of one year, according to the ratio of correct answers of the applicant and other evidences of qualification appearing from the examination. No certificate shall be granted unless the applicant shall be found proficient in and qualified to teach the following branches of a common English education: penmanship, orthography, reading, writing, arithmetic, mental arithmetic, geography, English grammar, physiology and hygiene, U. S. History, and theory and practice of teaching. In addition to the above, applicants for a second grade certificate shall pass a satisfactory examination in civics of the United States and Montana, and physical geography; applicants for a first grade certificate shall pass an examination in civics of the United States and Montana, physical geography, American literature and elementary algebra; applicants for a professional grade certificate shall pass an examination in civics of the United States and Montana, physical geography, American literature, elementary algebra, physics and plane geometry. No person shall be employed as a teacher in high school or as the principal teacher of a school of more than two departments, who is not the holder of a professional County certificate or the holder of a life or State diploma, issued by the State Board of Education of the State of Montana, or who is not a graduate of some reputable University, College or Normal School. The percentages required to pass any branch shall, by a standing rule be prescribed by the superintendent of Public Instruction. In addition to these regular grades of certificates, the County Superintendent may grant a temporary certificate to teach until the next regular examination, to any person applying at any other time than at a regular examination, who can show satisfactory reasons for failing to attend such examination, subject to rules and regulations to be prescribed by the Superintendent of Public Instruction. Such temporary certificate shall not be granted more than once to the same person, Provided; that where a temporary certificate has been duly issued to any teacher, and that it is impossible, by reason of sickness or other unavoidable accident, for such teacher to attend the next regular examination, such teacher, upon due

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and sufficient proof certified to the County Superintendent, who shall certify the facts to the State Superintendent of Public Instruction, who may authorize the County Superintendent to issue a second permit or may require the teacher to take a private examination. The written answers of all candidates, for county certificates after being duly examined by the county superintendent, shall be kept by him during his term of office, and any candidate thinking an injustice has been done to him or her, by paying a fee of two dollars into the institute fund of the County and by notifying both County and State Superintendent of the same, shall have his or her paper re-examined by the Superintendent of Public Instruction. The County Superintendent shall upon receipt of such notice from said complaining candidate, transfer said paper to the Superintendent of Public Instruction, who shall re-examine the same, and if the answers warrant it shall instruct the County Superintendent to issue to such complaining candidate a county certificate of proper grade and the county superintendent shall carry out such instructions.

Section 2. That Section 1912 of said Article 13, be amended to read as follows:

"Section 1912." No regular or temporary certificate to teach shall be issued to any person under the age of eighteen years, and no professional or first grade certificate shall be issued to any person who has not taught successfully twelve months; and a third grade certificate shall not be issued more than twice to the same person. Third and second grade certificates shall be valid only in the County where issued. A professional or first grade certificate shall be valid in any county in the State upon indorsement as hereinafter provided, and shall be renewed by the county superintendent upon the proper fee being paid to the institute fund as provided for in case of examination: Provided, that no professional or first grade certificate shall be renewed unless the applicant has taught at least ten months during the life of said certificate. Said professional or first grade certificate shall be renewed by the County Superintendent by his endorsement thereon, upon the payment of the same fee as is required by law for examinations; Provided further, that whenever application is made by a holder of any unexpired first grade, second grade, or third grade Montana certificate for examination for any higher grade certificates, and it shall be made to appear to the County Superintendent that such applicant has been engaged in teaching in any of the Public Schools of the State for a period of one year or more, the said applicant shall be entitled to be credited with the percentages on his or her last examination

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for said first, second or third grade certificate as the case may be, and shall not be required to be examined in any studies except the additional ones prescribed for such certificate, and such other studies that the applicant may not have secured the required percentage upon in previous examinations. Provided, further, that to excuse any candidate from taking the examination upon any branch of any grade he or she must have secured upon such branch at his or her last previous examination at least eighty per cent. No person shall be employed or permitted to teach in any of the public schools of the State who is not a holder of a lawful certificate of qualification to teach. Any contract made in violation of this Section shall be void; Provided, that the special certificate in penmanship, drawing, modern language and music shall be granted upon a request of a majority of the members of any district Board of Trustees. Such special certificate to be valid for three years, and shall entitle the holder to teach only such special branch or branches stated in said certificate, Provided, further, that if the attendance upon the aforesaid examination of teachers at the County seat shall work a great hardship to one or more teachers in the County, the county superintendent, upon application to the State Superintendent, may provide for such teacher or teachers to take the examination at some convenient place, and the county superintendent may appoint some suitable person to conduct such examination, under the rules and regulations prescribed by the State Superintendent of Public Instruction.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 4th, 1897.

SENATE BILL NO. 13.

An Act to revise the laws in reference to the State Militia of the State of Montana, and to repeal certain laws named in this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Militia of the State of Montana consists of all able-bodied male citizens of the State between the ages of eighteen and forty-five years, inclusive, except such persons as are or may be exempted by the laws of the State or of the United States.

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Section 2. The following persons are exempt from Military duty and enrollment:

1. Civil and Military officers of the United States.

2. Civil officers of the State of Montana.

3. Idiots, paupers, habitual drunkards and persons convicted of infamous crimes.

Section 3. The County Assessor of each County in the State, must, at the same time in each year when he prepares a roll containing the taxable inhabitants of his County, enroll all the citizens thereof subject to military duty, which roll must be sworn to by him and delivered to the Clerk of the Board of County Commissioners at the same time he delivers the assessment roll.

Section 4. Any Asssessor who neglects or refuses to perform any of the duties required of him by this Chapter is subject to the same liabilities as are provided by law for a neglect or refusal to perform any of the duties required of him in the assessment of taxes.

Section 5. The Clerk of the Board of County Commissioners of each County, must, within thirty days after the delivery of such Military roll to him by the assessor transmit a duplicate thereof to the Governor, and the Governor must inform each Legislative Assembly of the State of the number of the enrolled Militia thereof.

Section 6. The Governor is the Commander-in-Chief of the Militia forces of the State except when these forces are in the actual service of the United States, and has power to call out any part or the whole of said forces to aid in the execution of the laws, to suppress insurrection, or to repel invasion.

Section 7. The Board of County Commissioners in each county in the State is hereby authorized, whenever they deem proper, to erect or provide in cities or towns where one or more companies of the National Guard are stationed in such County an armory; safe, suitable, and of sufficient size for the drill of such company or companies.

Section 8. The members of the enrolled Militia may voluntarily organize and uniform as herein provided.

Section 9. The regularly enlisted, organized, and uniformed active Militia of Montana shall be styled the National Guard of Montana and shall be subject at all times to the orders of their officers, and shall be composed of able-bodied citizens of Montana above the age of eighteen years.

Section 10. The Governor of Montana shall be Commander-in-Chief

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of the National Guard of Montana, and no company shall be organized without his permission in writing.

Section 11. In time of peace the General Staff shall consist of not more than eight, viz: One Adjutant General with the rank of Brigadier General, One Inspector General, One Surgeon General, One Quartermaster General, One Commissary General, with rank of Colonel, One Assistant Inspector General with the rank of Lieutenant Colonel, One Judge Advocate, and One Inspector of Rifle practice with the rank of Major and they shall hold their positions during the pleasure of the Governor, Said officers in time of peace shall not receive compensation except the Adjutant General who shall receive such compensation as provided by law.

Section 12. The Governor is hereby authorized to appoint such aids-de-camp, in time of peace not to exceed three, as he may require, each with the rank of Lieutenant Colonel.

Section 13. In time of peace the National Guard shall consist of not more than one regiment of infantry, consisting of twelve or a less number of companies, two troops of cavalry, one battery of artillery, one signal corps to consist of not to exceed two officers and twenty-five enlisted men, one regimental band of not more than twenty-five members, one ambulance corps, and a medical department.

Section 14. In time of war, invasion, insurrection, riot or imminent danger thereof, the Governor has the power to make such alterations in the number, organization and arrangement of the National Guard from time to time as he thinks necessary.

Section 15. The uniform of the National Guard shall be the prescribed uniform of the United States Army, with the exception that the buttons shall bear the coat of arms of Montana. Any person not a member of the National Guard who shall wear its uniform shall be guilty of a misdemeanor.

Section 16. No company shall consist of less than one Captain, one first Lieutenant and forty enlisted men, in other respects the organization of brigades, regiments, battalions, squadrons and companies shall be the same as that prescribed for the United States Army. Any company having less than the number above specified for two consecutive months shall be disbanded and its members discharged from the service.

Section 17. Each and every member of the National Guard of Montana shall receive a per diem of three dollars and the necessary transportation and subsistence when serving under order of the Governor to sup-

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press riots or enforce the civil law, to be paid out of the Treasury of Montana on the order of the Governor.

Section 18. In time of peace there shall be held every year an encampment of the National Guard, not to exceed ten days in duration at the State Military Reservation (Old Fort Ellis) near Bozeman at such time as the Governor shall direct.

For services during such encampment the National Guard shall be entitled to the following per diem.

Privates and Musicians	$1.50
Corporals	$1.60
Sergeants	$1.75
Non Commissioned Staff Officers and members of the Regimental Band	$2.00
First and Second Lieutenants	$2.25
Captains and all officers of higher rank	$2.75

In addition to the per diem allowed above the necessary transportation and subsistence in going to and returning from such encampment shall be allowed. All of which shall be paid from the treasury of Montana on approval by the Governor.

Section 19. Every officer before he enters upon the duties of his office or exercises any command shall take and subscribe before any person duly authorized, the following oath: I do solemnly swear that I will support the constitution of the United States, the constitution and the laws of the State of Montana, and that I will obey all lawful orders of my superior officers for the period of my service" A similar oath or affirmation shall be administered to every enlisted man at the time of his enlistment and all officers of the National Guard are hereby authorized and empowered to administer oaths and affirmations in all matters appertaining to or concerning the National Guard service, but in no case shall they charge any fee or compensation therefor. Any person who shall falsely swear to any oath or affirmation so administered shall upon trial and conviction be deemed guilty of perjury and punished for such offense as provided by law.

Section 20. The Commander-in-Chief may discharge an officer: First, upon sentence of dismissal of such officer by General Court Martial after trial according to law. Second, when such officer shall have been convicted of felony; Third, when such officer shall have been absent from his command, without leave, for thirty days.

Section 21. The Governor shall issue a commission to all officers elect-

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ed or appointed, which election or appointment shall be approved by him. Every commission shall be countersigned by the Secretary of State, and attested by the Adjutant General, and continued during the pleasure of the Governor. All officers shall take rank according to the date of their commission and when two of the same grade rank from the same date, their rank shall be determined by length of service in the National Guard of Montana, and if equal duty then by lot.

Section 22. Every man who shall have been mustered or enlisted in the National Guard shall be held to service therein for three years unless sooner discharged as herein provided. Any officer may resign his commission to his immediate commanding officer in writing, who shall promptly forward the same to the Adjutant General. The Governor shall by order accept or reject the same, and, if accepted, fix the date of its taking effect. No resignation shall take effect except as so ordered. Vacancies caused by death, resignation, promotion, discharge, or removal of any company officer shall be filled by the promotion of the officer of such company next in rank, subject to the approval of the Governor.

Section 23. Enlisted men shall be honorably discharged only upon certificates thereof signed by the company commander and indorsed by the Adjutant General with the Governor's approval. Such discharge shall not be granted except after three years service or for some absolute disability, occuring after entering the service or unless the member dischargd permanently removes his residence out of the county or unless the Governor shall order the same for other good cause. Any member who absents himself from all meetings for instruction during a period of thirty days unless properly excused by his commanding officer shall in addition to all other penalties, be debarred from the exemption from jury duty, be considered a deserter, and dishonorably discharged from the military service of the State.

Section 24. Every member of the National Guard shall be exempt from jury duty and from the payment of poll tax of every description and every member who shall be honorably discharged after nine years service, or by reason of injuries received in the line of duty shall be forever exempt, and also exempt from military duty in time of peace. The proper discharge certificate shall be conclusive evidence of the right of such exemption.

Section 25. Any enlisted man may be dishonorably discharged from the military service of this State for any of the following causes:

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First. Absence from his command when called out to suppress riot, or for other active duties.

Second. Desertion.

Third. Insubordination, immoral conduct or intemperance.

Section 26. Upon recommendation by the Adjutant General and the regimental or squadron commander, the Governor shall at any time disband any portion of the National Guard.

Section 27. Vacancies in the grade of Second Lieutenant and field officers in the National Guard are filled by election. The former by the members of the company; and the latter by the company officers of the regiment.

Section 28. The rules of the discipline and the regulations of the Army of the United States shall so far as the same may be applicable, constitute the rules of discipline and the regulations of the National Guard of this State and the rules and articles of war established by Congress and the War Department for the United States shall be adopted so far as applicable for the National Guard of this State; and the system of instruction and the drill regulations prescribed for the different arms and corps of the United States Army, shall be followed in the military instruction and practice of the National Guard of this State and the use of any other system is forbidden.

Section 29. All persons who in any manner interrupt or molest the orderly discharge of duty of those under arms must be immediately arrested. The Governor may prohibit and prevent the sale of spirituous liquors within one mile of such parade or encampment and also in his discretion gambling may be abated as a nuisance.

Section 30. If any person interrupts, molests, or insults by abusive words or behavior any officer or enlisted man in the performance of his military duty, such person shall be guilty of a misdemeanor and must be placed under guard until turned over to the civil authorities, provided, that the duration of such confinement shall not exceed twenty four hours.

Section 31. On or before the first Monday in March of each year Adjutant General shall make out and transmit to the County Assessor of each county a list of members of the National Guard resident in such county together with a statement of the exemption to which they are entitled by law; and the County Assessor must thereupon note opposite the name of each person on the assessment roll the facts of such exemption.

Section 32. The Governor is authorized, and has power to establish

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and prescribe such rules and regulations not inconsistent with the provisions of law as he may deem proper for the use, government and instruction of the National Guard, and to carry into full effect the provisions of law relative thereto.

Section 33. No Military organization provided for by the Constitution or laws of this State and receiving State support must while under arms, either for ceremony or service carry any device, banner or flag of any State or nation except that of the United States or that of the State of Montana.

Section 34. Every member of the National Guard wounded or disabled in the service of this State must have reasonable expenses paid him and the widow and children of every such member killed in the service of this State must be suitably provided for by the Legislative Assembly.

Section 35. There shall be an inspection of every organization of the National Guard between the first of April and the thirtieth of May in each year.

This inspection shall be made by an officer detailed by the Governor. This officer shall notify the commanders of the respective organizations the hour and place at which they shall assemble for such inspection. The inspection officer shall make a report and forward the same to the Adjutant General and if, after examination by him of the muster roll and report of the inspecting officer each company is fully up to the required standard of numbers, discipline and efficiency, the Adjutant General shall so report to the State Board of Examiners, this Board must on receipt of the Adjutant General allow to each Company annually the sum of four hundred dollars and for each man additional to the minimum who may have been present at the annual inspection and the last camp of instruction five dollars extra; and to each troop or battery five hundred and fifty dollars, with five dollars extra for every man additional as above, such Board must order the State Auditor to draw a warrant on the State Treasurer in favor of the commander of each company for the sum above stated.

In case of the regimental band a warrant drawn in favor of the regimental commander in the sum of two hundred dollars per annum; and in case of the signal corps a warrant drawn in favor of the signal officer for the sum of two hundred dollars all moneys allowed in this section are to be used for military purposes only.

Section 36. When a company is disbanded or mustered out all property and money in the treasury of such company must revert to the State.

Section 37. No bill of allowance authorized by the provisions of this

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title must be approved by the State Board of Examiners unless the said bill or claim is itemized or approved by the Adjutant General.

Section 38. Arms, ordinance, quartermaster's stores, camp equipage and other military property whether issued by the United States as the property thereof or purchased, owned and issued by Montana is for all purposes of this title the property of the State of Montana and must be used only in the discharge of Military duties.

Section 39. The commanding officer of each company must at each annual inspection return in duplicate to the inspecting officer an itemized account and statement of all public property and of all disbursemnts of the money appropriated during the preceding year by said company, which account and statement must be verified by the oath of the commanding officer and must be accompanied by the proper vouchers for such disbursements, such return shall be certified to by the inspecting officer and forwarded by him with his report to the Adjutant General.

Section 40. Whenever forty-five persons resident and liable to military duty in any county shall subscribe and present to the Governor an application for the organization of a military company he may, at his discretion, appoint some competent person as mustering officer, to muster such company and perfect the organization thereof; provided, the whole number of companies shall not exceed the number fixed in Section 13, of this Act, such mustering officer shall forthwith fix and a time and place of meeting for the purpose of such muster and organization, and give not lses than ten nor more than thirty days notice thereof, by publication in some newspaper published in the county, or by posting notices in three or more public places in the county.

Section 41. The mustering officer shall preside at such meeting which may be adjourned from time to time and shall provide a muster roll which each person so volunteering, who shall be accepted as competent, by such officer shall sign; and such signature and muster roll shall be conclusive evidence that such volunteer is subject to all the obligations imposed by law upon the members of the National Guard, when at least forty-five persons shall have been so mustered in they shall proceed at such meeting to elect by ballot, under the superintendence of such mustering officer the several officers required by law, and a majority shall be necessary to a choice. After such election the names and rank of such officers shall be entered upon the muster roll, and the mustering officer shall certify and forward the same together with a copy of the proceedings and notice of

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such meeting to the Adjutant General. If it shall appear that such organization shall have been perfected and such officers elected according to law, and the Governor shall approve such organization and officers, such company shall be enrolled as part of the National Guard and the officers Commissioned. If the Governor disapprove of such organization, he may, at his discretion, direct another meeting to perfect the same. If he disapprove of any officer so elected he may direct other meeting or meetings to elect others in stead.

Section 42. The Adjutant General shall upon the direction of the Governor make such distribution of the military property as will most effectually subserve the military interests or necessities. He shall cause to be distributed to the officers and organizations such property and blanks as may be required. Company Commanders and all other officers shall make a quarterly return to the Adjutant General, upon such blanks as he may require of all public stores or property in their possession or for which they may be responsible.

Section 43. Each officer responsible for public property or stores shall execute to the State a bond with such sureties and in such form as the Governor shall approve and in a sum not less than double the value of such property or stores, conditioned for the faithful care and preservation of such property or stores as shall be by him received from the State, to indemnify the State against any loss by misuse or misapplication of any part thereof by himself or by any other person; to account for the same according to law and to deliver the same to any officer lawfully entitled thereto on demand and to pay all sums lawfully appraised for losses or damages; the bond to be filed in the office of the Adjutant General. Public property and stores shall be issued only after the receipt of the bond above described, by the Adjutant General and upon a requisition by the responsible officer approved by the Adjutant General.

Section 44. All arms, equipments, military stores, books accounts, and records of all kinds are subject to examination by any officer detailed by the Governor for that purpose.

Section 45. No member of the National Guard must wear, or use, except when on military duty, or by special permission of his commanding officer, any uniform or other article of military property belonging to the State, or to the company to which he is a member, although an officer who has receipted for public property is personally and officially responsible and accountable therefor; Yet all commanding officers are also re-

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sponsible that the best arrangements are made for the safety and security of all public property within their commands and for the strict observance of the regulations in regard to its care, removal, use or issue.

Section 46. Whenever the word company is used in a military sense in this Act it shall be understood and construed to mean a company of infantry, troop of cavalry, or battery of artillery. Whenever the word officer occurs in this Act it shall be understood and construed to mean a commissioned officer unless otherwise specified.

Section 47. Each mounted officer shall receive actual expenses for a horse at all parades and services required by land. There shall be appropriated annually for the expense of regimental headquarters the sum of two hundred dollars to be paid at the same time and in the same manner as the annual appropriation for the various organizations of the National Guard.

Section 48. The Adjutant General shall be Chief of Staff. In his absence or inability, from sickness or other cause, to perform his duties the Governor may appoint an acting Adjutant General who shall serve without pay. The Adjutant General shall have the custody of all military records, returns, reports, correspondence, muster rolls and other documents relating to the National Guard heretofore or hereafter organized. He shall be the medium of military correspondence with the Governor and perform all other duties pertaining to his office or prescribed by law. He shall be ex-officio custodian of the State Property. He shall biennially on or before the first day of December, make a report to the Governor to be laid before the Legislature, of all the transactions of his department since the last biennial report, and setting forth the number, strength and condition of the National Guard, and such other matters as he may deem important. He shall also make and transmit to the President the annual returns required by the laws of the United States, and at the same time submit to the Governor a duly certified copy thereof. The Adjutant General must give a bond in the sum of five thousand dollars with sufficient sureties. The Adjutant General shall receive a salary of twelve hundred dollars per annum and also his necessary expenses, which shall not exceed five hundred dollars annually, while absent from his office on official business which shall also be payment in full for all services rendered by him under this or any other law of the State; and the same shall be audited and paid in the same manner as the salaries and expenses of other State officers are paid.

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Section 49. The medical department of the National Guard of Montana shall be organized as follows, the Surgeon General shall be the head of the department, there shall be as many majors as there are brigades and regiments and as many Captains as there are battalions of infantry, companies of cavalry and batteries.

Said officers to have the rank and pay of majors and captains mounted.

A hospital corps may also be organized by order of the Governor.

Section 50. Medical officers may be commissioned by the Governor upon the recommendation of the Surgeon General, or otherwise, from the Physicians of the towns where the Military companies are stationed; and any vacancies shall be filled by the promotion of the Medical officer next in rank, unless such promotion be waived or the Governor order otherwise.

Section 51. The Surgeon General shall, under the direction of the Governor, have general supervision of the selection, purchase and distribution of all Medical and hospital supplies and he is hereby authorized, with the approval of the Governor, to purchase such medical and hospital supplies as may be necessary he shall make, subject to the approval of the Governor, such regulations for the government of his department as he may deem necessary, he shall submit to the Adjutant General annually on the first day of November, a report with an itemized statement of the affairs and expenses of his department, the duties of the Majors and Captains of the Medical department shall be such as may be provided for by the United States or State regulations.

Section 52. In case of war, insurrection, or rebellion, or of resistence to the execution of the laws of this State, or upon the call or requisition of the President of the United States or upon the call of any officer of the United States Army commanding a military invasion, department or district, of which Montana forms a whole or part or upon the call of any United States Marshal in Montana, or of the Chief Executive of any city, or of any sheriff, the Governor may order into active service any portion or the whole of the National Guard or enrolled militia.

Section 53. Companies and other organizations herein provided for shall be subject only to the direct call of the Governor of Montana, such call must be made by an order issued and directed to the commanding officer of the organization ordered into active service, designating the particular troops called, the time and place of rendezvous and the officer to whom they must report.

Section 54. When the enrolled militia or any portion is ordered into active service and the number responding to such order is not sufficient

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the Adjutant General must promptly proceed to draft from the enrolled militia such a number of men as will satisfy the order; and this draft must be made by putting the names of the enrolled militia of the county or counties from which the order directs the force to be raised into a box and drawing therefrom the number of names necessary to satisfy the order. As soon as a sufficient number of men may have reported at the rendezvous they will proceed to the election of their officers, if so directed by the officer to whom they have been directed to report.

Section 55. Any member of the National Guard who neglects or refuses to rendezvous at the designated place when ordered out by the Governor, is guilty of disobedience of orders, and may be tried and punished by a general court martial.

Any member of the enrolled militia who refuses or neglects to rendezvous when drafted, is subject to a penalty of not less than one hundred nor more than three hundred dollars, to be recovered by an action brought by the County Attorney, in the name of the State, upon the certificate of the officer appointed to make the draft before any court of competent jurisdiction in the county from which such persons were drafted, and the fine recovered must be paid into the state treasury to the credit of the General Fund.

Section 56. The commission of any officer ordered into active services continues until he is discharged or his resignation is accepted by order of the Governor. In filling vacancies in the line of commissioned officers in active serivce, the Governor must as a rule promote by seniority, or upon the recommendation of their superior officers, those in active service.

Section 57. A violation of any of the sections of this act on the part of any member of the National Guard of Montana shall subject the offender to trial by general court martial and punishment by such sentences as the Court martial is hereby authorized to inflict.

Section 58. Courts of inquiry and Courts Martial may be instituted for similar purpose and under similar conditions as such courts are in the Army of the United States, and they shall be constituted and convened as nearly as practicable as similar courts are constituted and convened by the laws, regulations and articles of war for the government of the Army of the United States and the procedure thereof shall be the same as prescribed by such laws, regulations and articles, except as in this Act otherwise specifically provided.

Section 59. In time of peace the jurisdiction of Court Martial shall extend to and include the trial of all offences against military law, order

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or discipline, to non-attendance at drills, to abuse or neglect public property or store and insubordination, disrespectful conduct towards a superior officer or non-commissioned officer, and all minor offences against military discipline, their sentences, except as otherwise provided in this Act, may inflict one or more of the following punishments, namely:

Reprimand, forfeiture in whole or part of pay or allowance, a fine not exceeding one hundred dollars, or in default of payment of the same for twenty days, in case of an enlisted man, dishonorable discharge from the service, of a commissioned officer, dismissal from the service of the State.

Section 60. No officer or enlisted man shall be brought to trial until ten days after a copy of the order convening the Court and of the charges and specifications shall have been delivered to the accused, unless the exigencies of the service demand an immediate trial, in which case the order convening the Court shall state that the exigencies of the service demand an immediate trial.

Section 61. The president of a Court Martial shall issue his warrant for the collection of all fines imposed by the Court upon approval of the sentence by the officer ordering the Court to the sheriff or any constable of the county in which the court was held, or in which the delinquent resides, whose duty it shall be to collect all fines provided for by this Act in the same manner as he is authorized to collect debts in civil process, and make his return to the President of the said Court or within thirty days certify to the said President that there is no property of the defendant out of which said moneys can be made. Warrants may issue to the sheriff or any constable of any county in which any property, not exempt from execution, of the offender may be, out of which any such fines may be collected and such warrants may be issued and executed in the same manner as executions are issued and executed out of the District Court.

Section 62. The keepers and wardens of all county jails are required to receive and confine all military offenders when delivered by such sheriff or constable under the proper certificate of commitment of the president of a General Court Martial for and during the term of sentence as set forth in said commitment.

Section 63. After the return of a summons citing the accused to appear and he fails to appear at the time and place designated for the trial, the President of the Court shall issue his warrant for the arrest of the delinquent, addressed to the sheriff or a constable of the county, who shall forthwith execute such warrant and make proper return thereon to said

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court and produce to the court the body of the accused, if within said county and retain custody thereof until the conclusion of the trial and approval or disapproval of the proceedings unless sooner discharged by order of the President of the Court Martial.

Section 64. The President of every Court Martial and of every court of inquiry shall issue subpoenas for all witnesses whose presence may, in his opinion, be necessary, the President of every Court Martial or court of inquiry shall have the same power to compel attending witnesses to be sworn and testify and to preserve order as courts of common law jurisdiction, and all sheriffs, jailors and constables are hereby required to execute any precept or process issued by such President for that purpose.

Section 65. Every witness not appearing in obedience to such subpoena when duly served, and not having a sufficient or reasonable excuse, shall forfeit to the State of Montana a sum not less than ten nor more than fifty dollars for each default, and the President of such Court shall from time to time, report to the County Attorney the names of such delinquent witnesses together with the names and respective residences of the persons serving such subpoenas, the better to prosecute for such forfeiture.

Section 66. When it shall appear to the satisfaction of any Court Martial or Court of Inquiry by proof made before such Court that any person duly subpoened to appear as a witness before such court, shall have refused or neglected without just cause to attend as such witness, in conformity to such subpoena and the party in whose behalf such witness shall have been subpoened shall make oath that the testimony of such witness is material, such court by its President shall have power to issue an attachment to compel the attendance of such witness.

Section 67. Title 4 of Part 3 of the Political Code of Montana consisting of paragraphs 2050 to 2245 inclusive and all acts and parts of acts in conflict with this act are hereby repealed.

Approved March 9, 1897.

HOUSE BILL NO. 156.

An Act to amend Sections 2300, 2301, 2302, 2307, 2308 and 2309 and adding two new sections to be numbered 2312, and 2313 of Article III, Chapter I, Title V, of Part III of the Political Code of Montana

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relating to the examination and commitment of insane persons, and providing for their maintenance.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2300 of Article III of Chapter I, of Title V of Part III of the Political Code be amended as follows:

Section 2300. Whenever it appears to the satisfaction of the magistrate of the county that any person within the county is so far disordered in his mind as to endanger health, person or property, he must issue and deliver to some peace officer for service a warrant directing that such persons be arrested and taken before any district judge in the county, for examination, provided, that if the district judge is absent from the county wherein such person is arrested, then the said insane person shall be taken before the Chairman of the Board of County Commissioners.

Section 2. That Section 2301, Article III of Chapter I, of Title V of Part III of the Political Code be amended as follows:

Section 2301. When the person is taken before the judge or the chairman of the board of county commissioners, the judge or chairman of said Board must issue subpoenas to two or more witnesses best acquainted with said insane person, to appear before him and testify at such examination.

Section 3. That Section 2302 of Article III of Chapter I, of Title V of Part III of the Political Code be amended as follows:

Section 2302. The judge, or in case of his absence, the chairman of the Board of County Commissioners, must also issue subpoenas for at least two graduates of medicine to appear and attend such examination.

Section 4. That Section 2307 of Article III of Chapter I, of Title V of Part III of the Political Code be amended as follows:

Section 2307. The judge, or the Chairman of the Board of County Commissioners, if the hearing be had before him, after such examination and certificate made, if he believes the person so far disordered in his mind, as to endanger health, person or property, must make an order that the party be confined in the insane asylum, and a copy of such order must be filed with and recorded by the Clerk of the District Court of the County. The Clerk must also keep in convenient form an index book showing the name, age, and sex of each person, so ordered to be confined in the insane asylum, with the date of the order and the name of the insane asylum in which the person is ordered to be confined. No fees must be charged by the Clerk for performing any of the duties provided for by this section or in this article.

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Section 5. That Section 2308, Article III of Chapter I, of Title V of Part III of the Political Code be amended as follows:

Section 2308. The insane person, together with the order of the judge or the Chairman of the Board of County Commissioners, and the certificate of the physicians must be delivered to the sheriff of the County, and by him must be delivered to the officer in charge of the insane asylum.

Section 6. That Section 2309 of Article III of Chapter I of Title V of Part III of the Political Code be amended as follows:

Section 2309. Any moneys found on the person of an insane person at the time of arrest must be certified to by the judge, or the Chairman of the Board of County Commissioners, and sent with such person to the asylum, there to be delivered to the person in charge of the asylum, whose receipt therefor shall be taken by the sheriff, or other officer delivering said insane person to said asylum. If the sum exceed one hundred dollars, the excess must be applied to the payment of the expenses of said person while in the asylum. If the sum is one hundred dollars, or less, it must be kept and delivered to the person when discharged or applied to the payment of funeral expenses if the person dies at the asylum. Any balance of said one hundred dollars or less remaining in the hands of the officers of the asylum, after the death of the insane person, shall be returned to the County Treasurer of the County from which said insane person was sent, and if any sum remains after paying costs of trying and transporting said insane person to the asylum, this balance shall be paid to the State Treasurer to the credit of the General Fund.

Section 7. That Article III of Chapter I of Title V of Part III of the Political Code be further amended by adding thereto another section to be known as Section 2312, as follows:

Section 2312. Whenever any insane person is examined and committed by hearing had before the Chairman of the Board of County Commissioners it shall be the duty of said Chairman to have all the evidence reduced to writing, and the same, together with all orders, subpoenas, complaints, warrants and papers used on said hearing, or made by said Chairman of the Board of County Commissioners, shall be filed in the office of the Clerk of the District Court, of the proper county, and said Clerk shall enter upon the journal of the minutes of Probate proceedings, a transcript of all proceedings had by the Chairman of the Board of County Commissioners at any examinations and committal of an insane person, in the same manner as proceedings in probate in vacation are entered by

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the Clerk of the Court, and it shall be the duty of the District Judge at the first term of Court, after such examination to examine and approve such proceedings or said insane inquest and committal, in the same manner as probate proceedings transacted by the clerk in vacation are approved; and in no case shall the finding of the Chairman of the Board of County Commissioners be final, in all cases where hearings are had by the Chairman of the Board of County Commissioners, the proceedings must be examined and certified and approved or rejected by the Judge of the District Court.

Section 8. That Article III of Chapter I of Title V of Part III of the Political Code be amended by adding another section thereto to be known as Section 2313, as follows:

Section 2313. Whenever a hearing for examination or committal is had before the judge or Chairman of the Board of County Commissioners, and the person is adjudged to be insane and ordered confined in the insane asylum, it shall be the duty of the judge or person before whom hearing is had to take evidence as to the financial worth of said insane person, which evidence shall be reduced to writing and filed as provided in the preceding section, and if it appear from said evidence that said insane person has any means, money or property out of which the expenses of his maintenance in the insane asylum, or any part thereof could be paid, it shall be the duty of the judge or person before whom hearing is had, to issue a citation to the parties in possession of his property, and to the relatives of said insane person, if any there be in the county where said insane person resided, citing them to appear and show cause why a guardian should not be appointed for said insane person, and why said guardian should not be ordered to pay the costs of the maintenance of said insane person, or so much thereof as his means will permit, which citation shall be served and all proceedings thereunder conducted as provided in Chapter 12 of Title XII of the Code of Civil Procedure; and if it appear to the court that said insane person has property that can be applied towards his maintenance, it shall be the duty of the court to make an order to that effect, stating how much of the said insane person's property shall be applied the amount to be fixed with due regard to the proper preservation of the estate of said insane person.

Approved March 8, 1897.

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SENATE BILL NO. 79.

An Act to amend Sections 2443, 2444, 2447, 2448, 2449, 2452 and 2453 of Part III, Title V, Chapter IV, Article II, of the Political Code, and to add a new Section to said Part, Title, Chapter and Article to be numbered 2455, and to repeal Sections 2445 and 2454, of said Part, Title, Chapter and Article, all relating to the creation of a State Capitol Commission and defining its duties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2443 of Part III, Chapter IV, Title V, Article II of the Political Code be amended so as to read as follows:

Section 2443. Said Board is authorized to appoint a secretary and remove him at pleasure. His compensation shall be such sum as the Board shall deem reasonable not exceeding one hundred and twenty-five dollars per month for the time he is actually employed. He shall qualify by giving a bond to be approved by a judge of a district court of the State of Montana in the sum of five thousand dollars conditioned for the faithful performance of the duties of his office.

He shall keep a true and complete record of the proceedings of the Board. He shall make and keep a record of all contracts and obligations entered into by and with the Board, or made or delivered to the Board. He shall attest all certificates ordered by the Board.

He shall keep a set of books showing all expenditures on account of said Board, and all expenditures on account of the Capitol Building and showing at all times the financial condition of said Board, and the funds appropriated for and applicable to the purpose of this Act, and all matters relating thereto. He shall on the first day of December of each year prepare a financial report for the preceding year, containing an itemized and classified statement of all expenditures, and a list of all vouchers issued, showing to whom and for what purpose they were issued, which report shall be filed in the office of the Secretary of State, and published on the first day of January of each year in two newspapers to be selected by the Board, and a copy transmitted by the Board to the Legislature at its next regular session. All contracts made with said Board and all bonds required by said Board shall be regularly passed upon by the Board in session, and if adopted and approved by the majority of said Board shall be recorded in a book to be kept for that purpose and a copy of such con-

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tract shall be made out and certified by the secretary and indorsed "approved", with the date of approval and delivered to the other parties to the contract, until such delivery no contract shall be valid or binding upon either party.

No party required by said Board to give bond shall receive any money from the public treasury, or warrant or certificate therefor, until said bond shall have been recorded as herein required. All other bonds and contracts upon being recorded shall be filed in the office of the Secretary of State by whom they shall be preserved. All other vouchers, statements, files and papers relating to the erection of said building shall be kept and preserved by said secretary. He shall perform such other duties as may be required of him by said Board.

Section 2. That Section 2444 of said Part, Chapter, Title and Article be amended so as to read as follows:

Section 2444. It shall be the duty of said Board to secure the erection and completion of said Capitol Building upon such a plan as will admit of additions thereto, when in the future the needs of the State may require the same. The total cost of said building or the portion to be immediately erected shall not exceed the sum of three hundred thousand dollars ($300,000.00). In the construction of said Building the said Board may avail itself of the plans and specifications heretofore adopted for a State Capitol Building, if the same by modification can be adopted in a practical and inexpensive manner for the new and different building contemplated in this Section. Said Board may reject all plans and specifications heretofore adopted or belonging to the State, and procure new plans in such a manner as the Board shall direct under proper and safe conditions; and the said Board is authorized to offer prizes for the first, second, third and fourth designs, plans and specifications submitted, in such sums as the Board may deem proper. The architect whose plan is selected as the plan for said building must be required to furnish full and complete specifications for the erection and completion of said Building heating, lighting and plumbing of the same, with full and complete full-sized drawings and details and working plans, so that any capable architect may take the plans, drawings and specifications submitted and erect said building in accordance therewith. In fixing the amount of the first prize, the said Board shall take into consideration the extra work to be performed in furnishing said full-sized drawings and working plans by the architect whose plans are accepted, and said architect may be employed by said

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Board to superintend the construction of said building under such terms as the Board and said architect may agree upon, or the Board may adopt any skilled and reputable architect as supervising architect of said building, if in their judgment the best interests of the State would be subserved thereby.

Section 3. That Section 2447 of said part, Title, Chapter and Article be amended so as to read as follows:

Section 2447. The architect chosen by the Board shall receive such compensation as the Board shall deem reasonable; he shall prepare all plans, specifications and details for all contracts for construction and material for said building; and if employed by the Board to superintend the construction of said building: he shall see that all material furnished and work done shall be of the best quality, and that all contracts with said Board, are faithfully performed by the parties contracting with said Board for work or material; he shall perform all other duties devolving upon him, as supervising architect and may be removed at the pleasure of said Board. Neither said architect nor any of his subordinates or assistants shall be in any way connected with any work done or material furnished for said building or any contract therefor or shall have any interest therein directly or indirectly. He shall furnish bond to the State of Montana in the sum of twenty thousand dollars, ($20,000.00), with two or more sureties, each a resident of this State, and qualifying in twice the amount of said bond, conditioned for the faithful performance by said Architect, his assistants and subordinates, of his and their duties as herein prescribed, provided, that all Architects, superintendents and contractors shall be citizens of the State of Montana.

Section 4. That Section 2448 of Part third, Chapter four, Title five, Article two of the Political Code be amended so as to read as follows:

Section 2448. The Board may appoint a specially qualified person to act as superintendent of the construction of said Capitol Building. It shall be his duty to see that all contracts made with the Board are faithfully performed, that all material furnished and work done shall be as required by law or the contract therefor, that all duties imposed upon the Architect are faithfully performed by him and his subordinates and that no provisions of the act are violated.

To report to the Board any violation of this Act or of any contract or of any duty by any Architect, contractor or employee of said Board, and to do such other duties as may be required of him by the Board. Said superintendent shall receive as his compensation such sum as the Board

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shall deem reasonable, not exceeding eight dollars per day for each and every day he is actually engaged in the performance of his duties. He shall be removed at the pleasure of the Board.

Section 5. That Section 2449 of Part III, Chapter IV, Title V, Article II of the Political Code be amended so as to read as follows:

Section 2449. The Board shall have and is hereby given power and authority when the kind of material to be used in the construction of the Capital building is not specifically fixed by law, to use such material as it may deem best for said building: Provided, that the total cost of the erection, completion and furnishing of said Capitol Building including steam heating apparatus and other fixtures shall not exceed the sum of three hundred thousand dollars, and the Board shall at all times have this object in view, and all, plans accepted and all contracts awarded shall be accepted and awarded only after the Board shall be satisfied that the cost of the building when it shall be completed and furnished shall not exceed this amount.

Section 6. That Section 2452 of Part III, Chapter IV, Title V, Article II of the Political Code be amended so as to read as follows:

Section 2452. The Board shall divide the expenditures for the erection and completion of said Capitol Building so that there shall not be expended in any one year an amount in excess of the appropriation for that one year. The entire construction and furnishing of said Capitol Building shall be completed by the first day of January, 1900; Provided, that a sufficient sum to pay for the same shall have been derived from the sale of lands granted or bonds issued for that purpose.

Section 7. That section 2453 of said Part, Title, Chapter and Article be amended to read as follows:

Section 2453. All disbursements on account of the Capitol Building shall be made pursuant to certificates by the Board. All claims, bills and demands for labor performed, all materials furnished shall be presented to the Board in duplicate and shall be passed upon by said Board only at regular sessions thereof and after careful examination of every item named. If found correct they shall audit the same preserving one duplicate and transmitting the other as audited and allowed to the State Board of Examiners and shall issue a certificate to the effect that services have been rendered or material furnished and the person therein named is entitled to a warrant for the amount therein named. Upon the presentation of said certificate and a duplicate of the vouchers therefor as audited and approved by the Board, as herein provided to the State Board of Ex-

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aminers said State Board of Examiners shall direct the State Auditor to draw his warrant on the State Capitol Building Fund for the amount allowed and to the order of the person named in said certificate; Provided, That no certificate shall be issued in excess of the amount appropriated for that year; and all certificates issued shall be recorded in a book kept for that purpose.

Section 8. That there be and is hereby added to said Part, Title, Chapter and Article the following Section to be numbered "2455."

Section 2455. It shall be the duty of the State Capitol Commission, if they deem it impracticable to carry out the contract with George R. Mann, heretofore made on the ninth day of September, 1896 to cancel the same and pay said George R. Mann, such sum as said Board may deem due him for the work done, and expense incurred by him in attempting to carry out said contract and for all plans, specifications, elevations and detail drawings already prepared and furnished to the said Board under the terms of said contract; and to provide for the payment of said sum, out of the funds realized from the sale of bonds authorized for the construction of the State Capitol Building, and to audit and provide for the payment of any and all other lawful warrants heretofore issued by the State Capitol Commission. Such payment to be made from the funds realized from the sale of bonds, authorized for the construction of said State Capitol Building.

Section 9. That Section 2445 and 2454 of said Part, Title, Chapter and Article and all acts and parts of acts in conflict herewith be and the same are hereby repealed.

Section 10. This act to be in full force and effect from and after its passage and approval.

Section 11. That Section 2440 of the Political Code be, and the same is hereby amended so as to read as follows:

Section 2440. That for the purpose of erecting and completing a State Capitol Building for the State of Montana on the site now selected for such building at the City of Helena, of the State of Montana, there is hereby created a Board to be known as the State Capitol Commission. Said Board shall consist of five members to be composed of the Governor and four qaulified electors of the State, only one of whom shall be a resident of the City of Helena, and no two of whom shall be from the same county, to be appointed by the Governor, Provided, that not more than two members of said Board shall belong to the same political party. The Commissioners so appointed shall hold office until the completion of said build-

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ing and the acceptance thereof by the State, unless sooner removed by the Governor. Each of said Commissioners, except the Governor, shall give a bond with at least two sufficient sureties to the State of Montana, in the penal sum of ten thousand dollars, conditioned for the faithful performance of the duties imposed by law. The said bonds shall be subject to the approval of the Governor, and after such approval must be filed in the office of the Secretary of State. The Governor shall be chairman of said Board and shall have power to remove any members of said Board, and to fill all vacancies until the next session of the Legislative Assembly, when such appointments shall be made by and with the advice and consent of the Senate when the same convenes. The majority of the Board shall constitute a quorum.

Approved March 5, 1897.

SENATE BILL NO. 72.

An Act authorizing the issuance of bonds to provide for the erection of a building for the State of Montana at the City of Helena and providing for the payment of interest thereon, and repealing section 2454 of the Political Code of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Capitol Commission and the State Board of Land Commissioners of the State of Montana, are hereby authorized to issue and dispose of bonds for the purpose of erecting a building to be known as the "State Capitol Building" to be located in the City of Helena, Montana, under the following conditions and restrictions, to-wit:

First—The aggregate amount of bonds authorized by this Act shall not exceed the sum of Three Hundred and Fifty Thousand Dollars, ($350,000.)

Second—The denomination of each bond shall be one hundred dollars, or any multiple thereof, but the maximum amount of any bond shall not exceed the sum of One Thousand Dollars.

Third—The term of said bonds shall not exceed thirty years from their date, and they shall be payable at any time after fifteen years from their date, at the option of the issuers.

Fourth—The bonds may bear any rate of interest not in excess of six

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per centum per annum, and the interest may be payable semi-annually.

Fifth—The principal and interest shall be payable at such (time?) and in such manner as is designated in the bond.

Sixth—The State Capitol Commissioners and the State Board of Land Commissioners shall prescribe the form of the bond. The bonds shall bear upon their face the words "Capitol Building Bond of the State of Montana" and they shall be signed by the members of the State Capitol Commission and the State Board of Land Commissioners, and shall be countersigned by the Secretary and Treasurer of the State, and the seal of the State shall be affixed to each bond, and the bonds shall be registered in the office of the State Treasurer.

Seventh—The coupons representing the interest on the bonds shall be signed by the State Treasurer, or an engraved or lithographic fac-simile of the signature of the Treasurer may be affixed thereto, provided, it is so authorized in the bond.

Section 2. The bonds provided for in this Act shall be disposed of by the State Capitol Commission and the State Board of Land Commissioners, in such manner as they shall deem for the best interests of the State, Provided that, no bond shall be disposed of for less than its par value.

Section 3. To provide for the payment of the interest and principal of the bonds authorized by this Act, there is hereby created a special fund to be known as "The Capitol Building Interest and Sinking Fund" into which shall be paid all sums of money realized from sales of lands, licenses to cut trees, leasing of lands, profits of any and all other sources by reason of the grants of lands belonging to or authorized for the purpose of building or aiding in the building or erection of a State Capitol Building as provided by sections 12 and 17 of an Act of the United States Congress entitled "An Act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana and Washington to form Constitutions and State Governments, and to be admitted into the Union on an equal footing with the original states, and to make donations of public lands to such states," approved February 22nd, 1889, and from said "Capitol Building Interest and Sinking Fund," there shall, as the same becomes due and payable, be paid the interest on the said bonds; and it is further provided, that it is the duty of the "State Board of Land Commissioners," whenever there are any funds in the said "Capitol Building Interest and Sinking Fund" over and above the sum of twenty-five hundred dollars in excess of the amount required

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to pay the yearly interest on said bonds, to invest such excess funds in the manner set forth and provided in section 4 of this act, and the amount so invested shall constitute a "permanent fund" to pay the principal of the said bonds; but all interest or profit derived from the investment shall be paid into the said "Capitol Building Interest and Sinking Fund" and the principal and interest of the bonds shall be a first lien upon said funds, and all lands granted and belonging to the State, for the purpose of erecting buildings at the State Capitol.

Section 4. The State Board of Land Commissioners are hereby authorized and directed to create a "permanent fund" for the payment of the principal of the bonds authorized by this Act, from the following revenues, to-wit: Whenever the revenues in any year are sufficient to pay the interest on the said bonds and there shall be in excess thereof, the sum of twenty-five hundred dollars, then any and all funds over and above the said sum of twenty-five hundred dollars shall be invested for the benefit of the "Capitol Building Interest and Sinking Fund" as follows, to-wit:

First—In the bonds authorized by this Act, provided they can be purchased at a cost not exceeding their par value and accrued interest.

Second—In any legally issued bonds of any county, school district, city or town of the State of Montana, provided they can be purchased at a cost not exceeding their par value and interest.

Third—In any legally issued General Fund Warrants of the State of Montana, or any legally issued warrants of any county, city or town of the State of Montana, provided they can be purchased at a cost not exceeding their par value and accrued interest; and the said State Board of Land Commissioners are hereby granted discretionary power in the selection and purchase of the securities hereinbefore described, as to the amount of each they shall purchase and conditions of general credit affecting the same.

Section 5. It is hereby provided and set forth that in the event the State of Montana, shall, at any time provide and pay the interest, or any part thereof, on the bonds authorized by this Act from the general fund of the State, or by any special appropriation made or tax levied therefor, then for any and all interest so paid, the State shall be re-embursed from the said "Capitol Building Interest and Sinking Fund" by the payment of the amount so paid or due, whenever there is sufficient money in said "Capitol Building Interest and Sinking Fund" to pay the same.

Section 6. The State Treasurer is hereby designated as the custodian

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of the funds provided by this act, and he shall pay all warrants properly drawn by the State Capitol Commission, save and excepting as to the interest on the bonds, which he shall pay as the same becomes due and charge the amount thereof to the "Capitol Building Interest and Sinking Fund hereinbefore created.

Section 7. All moneys received from the sale of the bonds authorized by this act shall be paid to the State Treasurer, and shall constitute a special fund for the erection of the State Capitol Building, and shall be disbursed by the State Treasurer or (on?) warrants properly drawn by the State Capitol Commission, and including all warrants heretofore drawn by the State Capitol Commission, and registered prior to the passage of this Act.

Section 8. Whenever any of the bonds authorized by this Act shall become due and payable, and there is sufficient funds to pay the same, they shall be called in and paid in the order of their issuance, beginning with the lowest number.

Section 9. The cost and expenses of issuing the bonds hereinbefore authorized may be paid out of the proceeds thereof, or be chargeable to the expenses of the construction of the building.

Section 10. In the event there shall not, at any time, be sufficient money in the "Capitol Building Interest and Sinking Fund" to pay the interest when due the State Board of Land Commissioners and the State Capitol Commission shall, by an order entered on their minutes or record books, cause warrants to be issued on the said "Capitol Building Interest and Sinking Fund" for the amount of interest due, and the warrants so issued shall be registered in the office of the Treasurer of the State, and shall bear interest at the rate of six per centum per annum and said warrants shall be paid by the State Treasurer whenever there is sufficient money accumulated in said fund to pay the same; and by reason of the delivery of said warrants to the holders of said bonds and the surrender of the interest coupons, there shall be no default in the payment of interest.

Section 11. Nothing in this Act shall be so construed as to in any wise hold the State of Montana liable for the payment of the bonds herein authorized, or the interest thereon, except as to the lien heretofore created against the lands and funds granted for the purpose of erecting a State Capitol Building and which lien shall not be abridged, annulled, or set aside until the bonds authorized by this Act shall have been fully paid

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together with the interest thereon and the Governor is hereby specially authorized and empowered to use all lawful means to enforce the provisions of this Act.

Section 12. Section 2454 of the Political Code of the State of Montana and all acts and parts of acts in conflict with this Act are hereby repealed.

Section 13. There is hereby appropriated from the proceeds of the sale of the bonds authorized by this Act the sum of One Hundred Thousand Dollars ($100,000) for the fiscal year ending December 1st 1897, and the sum of Two Hundred and Fifty Thousand Dollars ($250,000) for the fiscal year ending December 1st 1898.

Section 14. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 4th, 1897.

HOUSE BILL NO. 52.

An Act to amend Article III, Chapter IV, Title V, Part III of the Political Code of the State of Montana by adding thereto a section numbered 2495, Providing a compensation for Trustees of Orphans' Home.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby added to Article III, Chapter IV, Title V, Part III, of the Political Code, a section which shall be numbered as Section 2495 (2495) and shall read as follows:

Section 2495. Said Board of Trustees shall receive as compensation for their services the sum of three Dollars for each day employed, and ten cents per mile, actually and necessarily traveled in attending the meetings of the Board, said compensation shall not exceed One Hundred Dollars per annum for each individual trustee.

Section 2. This Act shall take effect and be in force from and after its passage.

Approved March 3, 1897.

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HOUSE BILL NO. 280.

An Act Amending Sections 2640, 2642, 2643, 2680 of the Political Code Relating to the Levy, Collection and Disposition of Road Taxes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 2640 of the Political Code is hereby amended so as to read as follows:

"Section 2640. There must be levied and collected on all taxable property in the county not less than one mill nor more than two mills on the dollar for road purposes, also a special road tax of three dollars on each able-bodied man over the age of twenty-one years and under the age of forty-five years residing in each road district, provided that any person liable for said special road tax may elect to perform one days labor either in person or by another on the public roads under the proper officers as hereinafter provided in lieu of the payment of the said three dollars. Said special road tax shall be due and payable to the county assessor after October first of each year, unless one day's labor of eight hours has been performed in lieu thereof as provided by law, and the county assessor shall collect such special road tax on or before December first of each year, in the manner provided by law providing for the collection of poll tax. All special road taxes collected by him must be paid into the County Treasurer monthly and be placed to the credit of the road fund of the road district in which the same is collected. The county surveyor of each district shall, on or before the first day of October of each year deliver or mail to the county assessor a list of the names of all male persons in each road district who are required to work said special road tax for the year, and who have failed to work out the same.

Any person whose special road tax is unworked by October first of each year shall pay three dollars to the assessor as provided by law."

Section II. Section 2642 is hereby amended so as to read as follows:

"Section 2642. Every person, liable to said special road tax, who shall perform, in person, the one days labor in lieu thereof, shall receive a receipt for the sum of three dollars, signed by the county surveyor, which shall be a sufficient receipt for said special road tax.

Section III. Section 2680 is hereby amended so as to read as follows:

Section 2680. If any person, required to pay the special road tax mentioned in the preceding sections of this Chapter, has no property

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subject to taxation, and does not elect to work out said special tax as therein provided, the county assessor must collect the same, at the time of making the assessment. If it be not paid at the time, and the person owing the same is in the employment of any other person, the assessor must deliver to the employer a written notice, stating the amount of tax owing by such employee, naming him; and from the time of receiving said notice, said employer is liable to pay said tax, provided that any money is then due or shall become due such employee, from each employer, before the time for the payment of general taxes; and the employer may deduct the same from any amount so due such employee.

Section IV. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 4th, 1897.

SENATE BILL NO. 19.

An Act to amend Section 2950, Article 2, Chapter 5, Title 7, Part 3, of the Political Code in reference to the appointment of a Board of Stock Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2950, Article 2, Chapter 5, Title 7, Part 3, of the Political Code in reference to the appointment of a Board of Stock Commissioners, be amended so as to read as follows:

"Section 2950." The Governor is authorized to nominate, and by and with the consent of the Senate, appoint a Board of Stock Commissioners of one member from each County in the State, and such Stock Commissioners upon entering upon their duties must take the constitutional oath of office, which oath must be filed in the office of the Secretary of State.

Section 2. This Act shall take effect and be in force from and after its passage.

Approved February 23, 1897.

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SENATE BILL NO. 18.

An Act to amend Section 2990, Article 4, Chapter 5, Title 7, Part 3, of the Political Code of the State of Montana in reference to a tax levy for stock inspection purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2990, Article 4, Chapter 5, Title 7, Part 3 of the Political Code of the State of Montana, in reference to a tax levy for stock inspection purposes be amended so as to read as follows:

Section 2990. The Board of County Commissioners of each county must at the time of making the annual assessment, levy a special tax of one and one-half mills on the dollar upon the assessed valuation of all cattle, horses, mules and asses in their respective counties which must be collected as other taxes upon like property, and when so collected must be paid to the State Treasurer who must keep the same as a separate fund to be known as the "Stock Detective and Inspector Fund" which fund must be used in defraying the expenses incurred, under the provisions of this chapter. The expenses in any year under the provisions of this chapter must in no case exceed the special tax levy for that year. Provided, that any person owning less than 25 head of horses, mules, asses or cattle shall not be liable to this tax.

Section 2. All acts and parts of acts inconsistent with this act are hereby repealed.

Section 3. This act shall be effective from and after its passage.

Approved March 8, 1897.

SENATE BILL NO. 7.

An Act to add to Article 2, Title 8, Part 3 of the Political Code, two additional sections which shall be designated and numbered "Sections 3520 and 3521," regulating the re-appraisement of State Lands and providing for the purchase by lessees of the State Lands of the improvements placed thereupon by prior lessees.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there is hereby added to Article 2, Title 8, Part 3 of the Political Code two additional sections, which shall be designated and numbered as sections 3520 and 3521, and read as follows:

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"Section 3520." Whenever complaint shall be made to the State Board of Land Commissioners by at least ten householders of any school district, in which State Lands are situated, that such lands or any portion thereof are appraised too high or too low, the Board shall by and order entered upon their minutes, direct the State Land Agent to re-appraise such lands, and if upon such appraisement, the Board is satisfied that such lands are appraised too high or too low, the Board may value the same at their real value and enter the same in their books of record. Provided, however, that the said Board may at any time of their own motion by an order entered of record, direct the State Land Agent to re-appraise any part or portion of the State Lands in any county in the State.

"Section 3521." Whenever any lessee of State Lands having improvements thereon makes known to the Board that he will not release the same, the Board shall by an order entered of record direct the State Land Agent to appraise the improvements erected upon said lands which shall include only the building, fencing and ditches on the land. If the lands are again leased to any other party or parties, such party shall pay to the original lessee, the appraised value of such improvemnts. Provided, however, that such original lessee may elect to accept the appraised value of the improvements or remove the same within ninety days from the date of the release as provided in Section 3507.

Section 2. All sections, acts, and parts of acts in conflict with this act are hereby repealed.

Approved March 4, 1897.

HOUSE BILL NO. 121.

An Act to amend Section 3076 of the Political Code of the State of Montana, relating to Special tax levy for bounty for killing wild animals.

Be it enacted by the Legislative Assembly of the State of Montana:

That Section 3076 of the Political Code of the State of Montana be and the same is hereby amended so as to read as follows:

"Section 3076. It shall be the duty of the Board of County Commissioners of each county in this State, at the time of the levy of the annual tax, to levy a Special tax of Three Mills on the dollar upon the assessed valuation of all cattle, horses, mules, asses and sheep in their respective

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counties, which shall be collected as other taxes upon like property, and when so collected paid into the hands of the State Treasurer, who shall at once cover the same into the State Bounty fund aforesaid, which said fund shall be preserved inviolate for the payment of the bounties herein above provided for. And any County Commissioner who shall refuse or interfere to prevent the levy of the tax aforesaid shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding Five Hundred Dollars or imprisonment in the County Jail not exceeding three months, or both such fine and imprisonment."

Approved March 1, 1897.

SENATE BILL NO. 46.

An Act to amend Section 3013 of Article 5, Chapter 5, Title 7, Part 3, Political Code of Montana, relating to the salary of the State Veterinary Surgeon.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3013, Article 5, Chapter 5, Title 7, Part 3, of the Political Code be amended to read as follows:

Section 3013. The Veterinary Surgeon shall receive for all services performed by him for the State, an annual salary of Twenty-five hundred Dollars. No person must receive the appointment of the State Veterinary Surgeon, who is not a graduate in good standing of a recognized college of Veterinary Surgeons, either in the United States, Canada, or Europe, and legally qualified for practice in Montana.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed and particularly section 3013 of Political Code.

Section 3. This Act to take effect on its passage and approval.

Approved March 4th, 1897.

SENATE BILL NO. 95.

An Act to amend Sections 3530, 3531, 3532, 3533, 3534, 3535, 3536, 3537, 3538, 3539, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, Article II, Title VIII, Part III, of the Political Code of the State of Montana, creating the State Arid Land Grant Commission and defin-

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ing its powers and duties, and to add thereto Sections 3548, 3549, 3550, 3551, 3552, 3553, 3554, 3555, 3556, 3557, 3558, 3559, 3559a, 3559b, 3559c, 3559d, 3559e, 3559f. To provide for the reclamation of arid lands granted to the State of Montana by acts of Congress and to provide for the issuance of bonds and the appropriation of money for the carrying of this act into effect and the payment of expenses heretofore incurred and warrants heretofore issued by the State Arid Land Grant Commission.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 3530, 3531, 3532, 3533, 3534, 3535, 3536, 3537, 3538, 3539, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547 be and the same are hereby amended so as to read as follows:

Section 3530. That for the purpose of enabling the state to accept the offer of the United States, made in an Act of Congress approved August 18, 1894 entitled An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes" and as amended by an act of Congress approved June 11, 1896; for the purpose of reclaiming the lands therein mentioned in accordance with the terms of said acts, a commission shall be and is hereby created under the name of the State Arid Land Grant Commission which shall consist of five members and they and their successors shall remain and continue to be such commission for all the purposes hereinafter provided.

Section 3531. The Governor shall appoint five Commissioners, all residents and citizens of the State of Montana, two of whom shall hold office for two years, two for four years and one for six years from the date of his appointment and until his successor is appointed and has qualified, Provided that nothing in this act shall be construed to prevent the Governor from removing any member of said commission for good and sufficient cause. At the expiration of their respective terms or in case of vacancy for any cause, the Governor shall appoint so that the said commission shall at all times be a full board of five. In the event of a failure of any of said persons to qualify under such appointment within twenty days after receiving notice of such appointment, it shall be the duty of the Governor to appoint another person to serve in his place, and the Governor shall continue to appoint until the commission shall consist of five persons. Each commission before entering upon the duties of his office shall take an oath to well and properly discharge the duties of the trust

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thereby created and thereto attendant for the best interests of the public, which oath shall be reduced to writing, subscribed by the person making the same and shall give bond in the sum of Five Thousand Dollars, which said oath and bond shall be filed with the Secretary of State and filed in the office of the Secretary of State. Said board shall be non partisan and not more than three members shall be appointed from one political party.

Section 3532. Immediately after the said commission shall be constituted as aforesaid, a meeting thereof, to be called by the Governor of the State, shall be held at the city of Helena. Said Commission shall organize by electing one of their number chairman: and they shall also choose a secretary who shall not necessarily be one of their number, and who shall hold his office until his successor is appointed. He shall before entering upon the duties of his office furnish a bond with good and sufficient sureties in the sum of twenty thousand dollars, said bond to be approved by the State Board of Examiners and filed in the office of the Secretary of State. They shall also choose an engineer, who shall hold his office until his successor is appointed. All officers elected and agents appointed by said commission shall be subject to removal at the pleasure of said commission, said commission shall keep a complete record of all its proceedings which shall be open at all times to the inspection of the public. Each of said commissioners shall receive as compensation for their respective services six dollars per diem, while actually performing the duties of their office, and also actual traveling expenses necessarily incurred in the performance of their duties: Provided that the amount per diem paid in any one year shall not exceed the sum of six hundred dollars except one member to be designated by said Board. The accounts of said commissioners together with all and singular the actual expenses of said commission, shall be presented passed upon and paid in the same manner as provided by law for the auditing and payment of other accounts against the state, Provided the total expenses of said commissioners shall be paid out of the funds derived from the sale of the lands mentioned excepting as hereinafter provided. The said commission shall have full power and authority by resolution to enact such rules for its government and the carrying into effect of this act as to them may seem just and reasonable, and not inconsistent with law: they shall also have the power to determine the duties and fix the compesation of all their officers, employes, agents and others acting under them: Provided that the compensation of any one person in employ of said commission other than engineers shall

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not exceed Twelve hundred dollars per annum and secretary who shall receive not to exceed eighteen hundred dollars per annum, and the commissioners and employes shall receive their compensation in warrants drawn upon the fund hereinafter provided. No commissioner or employe of said commission shall in any way be interested in any work or contracts contemplated by this act.

Section 3533. That said commission shall have and it is hereby given full power and authority to take all steps necessary to comply with all and singular the conditions of said act of Congress and of any and all amendment or amendments thereto, or other act or acts of Congress pertaining thereto to the end that the state may receive the full benefit and advantage accruing to it, from, through or by the terms of any congressional action. Said commission shall have and it is hereby given full power to prepare and file any map or maps of any land or lands proposed to be irrigated and reclaimed which shall exhibit the plan showing the mode of contemplated irrigation and the sources of water to be used for such irrigation and reclamation, and this shall be done as often as said commission shall proceed with the reclamation of any separate or several tract of land; to contract with any person or persons, corporation or corporations, as in their judgment seems best. Provided, that all contracts for reclamation must be let in the same manner as other contracts for public works and to the lowest responsible bidder, and it shall be unlawful for said commission to let any contracts for reclamation or improvements, under the provisions of this Act, to any person in any manner related to any of said commissioners by blood or marriage or connected with them in a business way, the entire expense of reclaiming any portion of said land so donated by the Government to the State at a price not exceeding ($12.50) twelve dollars and fifty cents per acre of all lands reclaimed. Provided, however, that no liability or indebtedness is created against the state by, under, or through said contracts, and not more than Five Hundred Thousand Dollars shall be expended in actual work in the year 1897, and not more than One Million Dollars shall be so expended in the year 1898.

Section 3534. Said commission shall provide for the settlement by and the sale of such lands to actual settlers, and may make such contracts as are necessary to cause such settlement and sales to be made, and may issue such pamphlets, circulars and printed matter, advertising said land and other resources of the state as may be deemed proper, to the end that they may procure actual settlers upon the lands thus reclaimed.

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Section 3535. In order to provide funds for the reclamation of lands as provided in said act of Congress and amendment and in any other act or acts hereinafter enacted by Congress, the said commission is hereby authorized and empowered to issue bonds in such amounts as may be required for the reclamation of the arid lands granted to the state by said act of Congress or any amendment or amendments thereto.

Section 3536. Said bonds shall be issued in series, each series to be used to reclaim the lands of a certain district. Such series of bonds in the district which they are used to reclaim shall bear a corresponding number with the district which shall be different and distinct from the number of every other district and series.

Section 3537. Said bonds shall be known as the Montana Arid Land Grant Bonds, and they shall become due thirty years after date, and they shall be payable after ten years from date, said bonds shall bear interest at the rate of not more than six per cent per annum, payable semi-annually on the first day of January and July of each year at the office of the Treasurer for the State of Montana.

Section 3538. Said bonds shall run from said commissioner to bearer, and shall be in denominations of not less than fifty dollars and not more than one thousand dollars and shall be executed by the chairman of the State Arid Land Grant Commission and shall be countersigned by the Secretary of State who shall attach thereto the Great Seal of the State.

Section 3539. That said bonds shall be sold as provided by law for the sale of county and municipal bonds, but if no acceptable bid be received the said commission may afterwards sell said bonds at private sale, provided, however, that none of said bonds shall be sold at any time for less than par, and in all cases preference shall be given the purchaser who is a citizen of the State of Montana, when the bid is the same as that of a non-resident.

Section 3540. Each entire series of bonds shall be sold at the same time, but they shall not be delivered except as the money may be needed in the reclamation of the lands in the district for which said series of bonds is issued and shall only draw interest from and after the date of such delivery.

Section 3541. The bonds issued under the provisions of this act shall be and they are hereby made a lien upon and charge against all lands embraced in the district for the reclamation of which such bonds are issued, and to which the State might receive title by virtue of said reclama-

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tion under the Act of Congress, said bonds shall also be a charge against and first lien upon all water rights and improvements, and upon the entire plant connected with said district, for the full face value of said bonds together with interest thereon, but no bond or bonds shall be a charge against or a lien upon any land, water, water right, or improvement, except in the particular district for the reclamation of which such bonds are issued, Provided, that the State of Montana shall not be liable for the payment of said bonds or interest thereon, except as provided in this Act.

Section 3542. All bonds issued under the provisions of this act shall be issued with semi-annual interest coupons attached, which shall be signed by the fac-simile signature of the chairman of said Commission, and shall be paid both principal and interest, from the fund as provided for by this act. Provided, however, that in case there is not sufficient moneys in the fund hereafter established for the payment of interest at the maturity of any coupon or coupons that fall due upon the same date to fully pay the same, the holder thereof may have the same registered by the Treasurer of the State of Montana and such registered coupons from the date of registration shall draw interest at the rate of not to exceed six per cent per annum, until paid. It shall be the duty of said State Treasurer to provide a book for the registration of said coupons and shall endorse on such coupons the date of such registration and sign the same in his official capacity. Such registered coupons shall be paid together with the accumulated interest thereon as soon as there is sufficient money in the fund hereinafter provided to pay all registered coupons falling due at the same time, and each set shall be paid in the order of original maturity.

Section 3543. The moneys derived from the sale of bonds under the provisions of this act shall be paid to the State Treasurer who shall keep such money for each district in a separate fund with the number corresponding to the number of the district, which said fund shall be further designated as fund "A" for each district, from this fund shall be paid the entire cost of reclaiming the lands in such district including the cost of surveying, selecting and appraising said lands and all compensation of said commission and its employes; provided, however, that should there be no money in Fund "A" of any district, then the expense of said commission including the compensation of all employees shall be paid out of fund "C" as hereinafter provided and such expense shall be appor-

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tioned between the several districts in such manner as the Commission shall deem just. Nothing in this act contained shall prevent or prohibit said commission from using said bonds or a portion thereof in payment, in whole or in part of any contractor or contractors who have undertaken the reclamation of said land, but such bonds may be turned over to said contractor or contractors in payment upon said contract at par, in each case said bonds shall only draw interest from the date of delivery.

Section 3544. In case a contract is made by said commission for the reclamation of land payable in cash, the same shall be paid out of fund "A" of said district by an order or warrant drawn by said commission, and signed by its chairman and secretary, upon the State Treasurer, payable only out of said fund "A"; that such payment shall be made upon estimates of the engineer chosen by said commission, Provided, however, that no estimate shall be called for, and no payment made on estimate until such contractor or contractors has or have completed at least two miles of canals or ditches or has or have done such amount of work upon reservoirs or other improvements pertaining to the reclamation of said lands as in the opinion of the commission will be of sufficient value for the purposes intended to warrant the payment thereon; and then such payment shall only call for eighty five per cent of all estimates so made. That it shall be provided in and by all contracts that said commission may enter into for the reclamation of any land that said commission shall retain fifteen per cent of all estimates made by the engineer upon work done under said contracts, until the full and final completion of the contract, and the acceptance of the work by said commission, and upon receipt by said commission of a certificate of said engineer that said work has been fully completed according to the contract, and upon acceptance by said commission of such work as a completion of said contract, and said commission shall then in the form and manner above provided pay to the said contractor or contractors the full amount of said contract price, said commission is hereby given full power and authority to make any such restrictions or provisions in any of said contracts for the better protection of the interests of the State as in its judgment it may be proper; Provided, that all contracts for reclamation must be let in the same manner as other contracts for public works and to the lowest responsible bidder, and it shall be unlawful for said commission to let any contracts for reclamation or improvements under the provisions of this Act to any person in any manner related to any of said commissioners by blood

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or marriage or connected with them in a business way, Provided, that all engineers, contractors and employes shall be citizens of the State of Montana, except chief engineer.

Section 3545. After the segregation of all lands selected in any particular locality to be reclaimed under the terms and conditions of any contract entered into for that purpose, the commission shall assess upon each 40 acre tract or fraction thereof the equitable portion it shall bear to the total cost of reclamation of said district with twenty per cent of such portion added, and none of said lands shall be sold for less than this sum together with the interest on this amount, with the twenty per cent added, at the rate of six per cent per annum from the date of the first bond issued for the reclamation of the land in that district, said commission shall issue to actual settlers certificates of selection at the prices so established, which certificates shall contain the conditions of the sale of the land, and the use of the water through the water systems for the cultivation of the same, provided, however, that the water rights shall be appurtenant to and inseparable from the land so selected, and further provided, that on full payment being made by the purchaser of any lands the lien and charge of said bonds and the interest thereon against said specific land so fully paid for shalll cease and be determined, and the State shall issue its patent therefor as in case of other state lands, the said commission shall receive in payment for said lands, if the same be tendered, the bonds issued for said district at their par value, together with accumulated interest unpaid thereon.

Section 3546. Said commission shall have and it is hereby given full power and authority, and it shall be the duty of said commission to fix and determine a certain rate or annual charge against all land benefitted by said work of reclamation, whether the same belongs to the State, or to persons, or corporations, for the purpose of creating a fund for the operation and maintenance of said water ways and ditches and other improvements which said rate shall be fixed in each district by said commission annually, and shall be payable to said commission on the first days of January, and July of each year in equal installments; that said commission is hereby authorized and empowered to make, execute and deliver to any person or persons corporation or corporations, who may own and occupy lands covered by the ditches constructed for the reclamation of lands under this Act, and which can be irrigated therefrom, an instrument in writing, signed by its chairman and secretary, giving and granting to such

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person or persons corporation or corporations the indefeasible right to the use of a specified quantity of water to irrigate the lands so owned and occupied by them in said district upon payment to said commission of such sum per acre as in the judgment of said commission shall be reasonable, Provided, however, that if any person feels that the charge set by said commission is exorbitant or unjust, said person or persons shall have the right to appeal to the District Court of the county in which said person resides. Provided that no right to use any quantity of water shall be granted or sold to any person or persons, corporation or corporations, at a price per acre less than the cost per acre of reclaiming adjoining land as reclaimed under the provisions of this act, and the amount of water so sold shall specify the number of acres for which sold, and shall not exceed in quantity per acre the proportion which the whole number of acres of land that can be irrigated by said canal bears to the capacity of the canal at the point where taken out. The said commission shall annually fix the same rate for a continued use of water from said plant by said person or persons, corporation or corporations, for maintenance and improvement, as that fixed by said commission for the use of water for such purposes on land reclaimed under this act. That the maintenance rate for the use of water so fixed by said commission shall not exceed the actual cost of maintaining and operating said system in an economical manner and the cost of necessary improvements, but if during any one year, through unavoidable accident or through any unforseen cause, any plant or system be injured which requires the outlay of any considerable sum to repair in any district and there is no surplus in the fund into which all said water rates and water sales are paid as hereinafter provided, said commission shall for the next year add the amount thereof to the water rate then fixed for the ensuing year; but in case there are sufficient moneys in the fund hereinafter created to pay for such repairs in such district and leave said fund unimpaired, the same shall be paid out of such fund and not to be added to the next year's water rates. Provided however, that in case there shall not be sufficient money in fund "C" as hereinafter provided in any one year to pay for the actual cost of maintaining and operating said system and the cost of necessary improvements, and such repairs which may become necessary through unavoidable accident or any unforseen cause the said commission shall issue the usual warrant therefor and it shall be the duty of the Treasurer of said State to endorse upon all said warrants the words "Not paid for want of funds" and to date and sign the same in his official capacity, which said warrants shall be paid in the order of their pre-

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sentation to said Treasurer out of the first moneys coming into said fund during the next year.

Section 3547. All moneys derived from a sale of the lands in any district as provided in this act, or from a sale of water, or any profit or income whatever, except moneys belonging to the maintenance fund as hereinafter provided, shall be paid to the secretary of the Arid Land Commission who shall forthwith pay the same to the State Treasurer who shall keep such money from each district in a separate fund with a number corresponding to the number of the district and such fund shall be further designated as fund "B." From this fund shall be paid first the interest on the bonds and registered coupons, and second the principal of all bonds issued against said district.

Section 2. There is hereby added to Article 2, Title 8, Part 3, of the Political Code of the State of Montana Sections 3548, 3549, 3550, 3551, 3552, 3553, 3554, 3555, 3556, 3557, 3558, 3559, 3559a, 3559b, 3559c, 3559d, 3559e, 3559f, as follows:

Section 3548. All moneys to be paid under this act as water rates, and twenty-five per cent of all moneys received from water sales, shall be paid to the Secretary of the said Commission, who shall immediately turn over the same to the Treasurer of the State of Montana, who shall keep such money for each district in a separate fund with a number corresponding to the number of the district which fund shall be further designated as fund "C" of each district. From this fund shall be paid the cost of maintaining, operating and improving said water plant or system in said district. Such payment shall be made by order drawn by said commission and signed by its chairman and secretary, upon the Treasurer of said State against said fund "C" and payable only out of said fund.

Section 3549. The interest coupons of said bonds shall be paid by the State Treasurer upon presentation thereof, if there is sufficient money in said fund "B" for that purpose.

Section 3550. Should there be an accumulation of money in fund "B" of any district as provided in this act beyond the requirements for the payment of interest on bonds issued against said district prior to the time when the bonds of such district can be paid, then the State Treasurer shall under the direction of said commission invest such surplus money at least once each year in the following securities.

1. In the interest bearing bonds or securities of the State of Montana.

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2. In such bond or securities of the several counties of the State as said commission may deem most safe and secure.

3. In bonds of school districts within the State. But for every such investment the State Treasurer must first have the approval, in writing of the Attorney General of the State who shall also pass upon the validity of the securities in which such investment is to be made. No such investment shall be made with the funds of any district after the bonds issued by said district shall have become payable but such investment if already made, shall then be withdrawn and used with other accumulated moneys of said district to redeem outstanding bonds of said district.

Section 3551. It shall be the duty of the Secretary of said commission to make an annual statement of all and singular the accounts of said commission showing in itemized form all moneys received by said commission from all sources, in each instance specifying the source, and what disposition was made of such money, presenting duplicate vouchers therefor, which statement shall be attached as an exhibit to the annual report of said commission as provided for herein.

Section 3552. It shall be the duty of the State Auditor to examine and certify to all the accounts of said commission for all compensation and expenses which are to be paid by warrants on any of the funds herein provided for, and the same shall be paid, on such certification, by the State Treasurer in the manner provided herein.

Section 3553. All amounts fixed by said commission as water rates shall be a lien upon the land and rights of the owner of any land irrigated from said plant and system, and in case of default in the payment thereof six months after the same becomes due and payable, it shall be the duty of the sheriff of the county in which said property is situated, upon written demand of said commission showing the amount due and the existence of default, to sell all and singular the rights of the delinquent on said lands, rights, and privileges, in the manner provided by law for sales on execution. The sheriff shall give the purchaser the same certificate and deed as upon execution sales, and the same redemption rights shall apply.

Section 3554. Whenever there is a surplus in fund "B" of any particular district after satisfying all claims payable out of said fund, such surplus may, by direction of said commission be transferred by the Treasurer of the State to fund "A" of said district, if needed in that

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fund; or if not needed in said fund "A" of said district to fund "A" of any other district where the same may be needed or required to complete the reclamation of said lands in said district.

Section 3555. Said commission shall appropriate all waters necessary for the carrying into effect of this act, in the same manner as appropriations are required to be made in behalf of individuals, save and except that all appropriations shall be made in the name and on behalf of the State of Montana.

Section 3556. In case it shall be necessary for said commission in order to carry out the purpose of this act and to carry into effect any contract made by it for the reclamation of land, to condemn any right of way or land for any purpose connected with such reclamation, said commission shall have and it is hereby given the right to exercise the power of eminent domain in the manner provided by the statutes of this State relative to the exercise of eminent domain, generally; Provied, that whenever it becomes necessary for said commissioners to exercise the right of eminent domain, for the purpose of acquiring any property or easement in execution of this act, or whenever said commissioners shall deem it necessary to purchase any right of way, easement or property in connection with execution hereof, the amount of the award, if condemnation proceedings have been had, and the purchase price in case the property or rights have been acquired by purchase, shall be paid out of fund "A" of said district, in the same manner as herein provided for the payment of the other costs of reclamation in said district, provided, that it shall be the duty of the Secretary of the said Board of Commissioners to keep separate accounts with each district and to charge to each of said districts and the land reclaimed therein, as near as practicable, the expense properly incurred by it, through, or in connection therewith; Provided, that nothing in this act shall interfere with any prior or vested water rights.

Section 3557. The title to all lands thus reclaimed shall pass directly to the State of Montana by patent from the Government of the United States in accordance with the acts of Congress in such rules and regulations as may be prescribed by the Secretary of the Interior.

Section 3558. No land reclaimed under the provisions of this Act shall be sold to any except actual settlers and not exceeding one hundred and sixty acres for each settler. In case any lands thus reclaimed are in the actual occupancy of any person at the date of the filing of the

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map with the Secretary of the Interior, as provided in said Act of Congress, such settler shall have the preference right of selection to an extent not exceeding one hundred and sixty acres, upon the same terms and conditions, however, as other selections are made.

Section 3559. In case said bonds and the interest thereon are not fully paid at maturity, the holder or holders thereof may enforce the lien hereby created against the land, plant and water system, by proceedings in equity in any court of competent jurisdiction of the same character as may then be in force in the State of Montana for the foreclosure of Mortgages.

Section 3559a. That when any bond or bonds with the unpaid coupons shall have been received in payment for land, it shall be the duty of the Secretary of said Commission to deliver them to the State Treasurer with full information as to the particular land the payment was made upon, whereupon, it shall be the duty of the Treasurer to mark the same, "Received for payment of (describing land) and cancelled this ..... day of..... When any bond or coupon is paid in cash it shall be endorsed "Paid in current funds."

Section 3559b. Out of the surplus arising from fund "B" after the payment of all bonds and coupons issued against such funds of any and all districts, shall first be paid to the state any and all moneys advanced by the State through appropriations under the terms of this act. The remainder thereof shall be transferred to a new fund which shall be used by the State under proper legislative provisions for the purpose of reclaiming other arid lands within the state.

Section 3559c. Said commission shall on or before the first day of December of each year, make a written or printed report to the Governor of all their acts during the preceding year.

Section 3559d. There is hereby appropriated out of the funds of the State, not otherwise appropriated, the sum of Three Thousand Dollars for the year 1897, out of which shall be paid all expenses that have heretofore been incurred by said commission for which warrants have not been issued; and the remainder to be used by said commission in carrying this Act into effect, and for the year 1898 the sum of Two Thousand Dollars for the use of said commission in carrying this Act into effect. The unexpended portion of any appropriation for any particular year to be used in paying warrants heretofore issued by said commission and now outstanding, amounting to the sum of Two Thousand, Two Hundred and Eighty nine Dollars.

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Section 3559e. This act shall take effect and be in force on and after its passage and approval.

Section 3559f. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved, March 8th, 1897.

HOUSE BILL NO. 226.

An Act to amend Sections 3560, 3561, and 3563, Article III, Title VIII, Part III, of the Political Code of the State of Montana, relating to State Lands.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 3560, 3561 and 3563, of Article III, Title VIII, Part III, of the Political Code of the State of Montana, be, and the same are hereby amended so as to read as follows:

Section 2. That Section 3476 of Article 1, Part 3, Title VIII., of the Political Code be amended so as to read as follows:

Section 3476. All selections of land must be made in legal subdivisions, and when the selection has been made and approved by the board, the Governor must take the necessary steps to procure the approval of the Secretary of the Interior, and the issuance of patents for the same by the United States to the State of Montana; Provided, that not more than 200,000 acres shall be selected in any one county of the State, unless it shall satisfactorily appear to the State Board of Land Commissioners that no lands can be selected in those counties of the state wherein a less quantity than 200,000 acres have been selected.

Section 3560. The State Board of Land Commissioners shall have power to sell the timber on State Lands at so much per thousand feet, as in their judgment shall be for the best interest of the State. But no live timber less than eight inches in diameter, twenty feet from the ground, except lodge pole pine or bull pine shall be sold. And all timber sold or cut from state land shall be so cut and removed under the rules and regulations for the preservation of standing timber and the prevention of fires, as the Board shall prescribe; before any permit shall be granted, the timber shall be estimated and appraised by the said Land Agent upon the

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request and subject to the approval of the said Board of Land Commissioners which estimate and appraisal shall show the amount and the value per thousand feet of all timber measuring not less than eight inches in diameter twenty feet from the ground, and of other timber below this standard, on each tract or lot, with a statement of the situation of the timber relative to risk from fire or damage of any kind, and its distance from the nearest lake, stream, or railroad.

Section 3561. No permit for such cutting shall be granted to any person by the said Board of Land Commissioners, except upon the sale of timber to the highest bidder, at public auction, held at its office at the State Capital, notice of which shall be published once each week for four successive weeks prior to the date of the same in two newspapers, one published in Helena, and the other in the county where the timber is situated; and the minimum price of all timber at such sale shall be the appraised value of the same as fixed by the State Land Agent, and approved by the State Board of Land Commissioners. Every person purchasing timber at such sale, before the execution of a permit for the same, shall execute a bond to the State of Montana for the payment of double the amount of the estimated value of the timber included in the permit with sufficient surety to be approved by the Board, conditioned upon the payment to the State Treasurer of the amount that may be found due, under the terms of such permit and according to the provisions of law.

Section 3563. The State Land Agent shall select and designate a log mark for each person granted a permit to cut logs upon state lands, which log mark, when so selected and designated shall be filed in the office of the State Board of Land Commissioners, and shall be distinctly different from any other mark selected and designated by the State Land Agent. And where such timber is sold at so much per thousand feet, the State Land Agent shall scale all logs so cut, and make a detailed report of the same, to the State Board of Land Commissioners on or before the first day of each year and every month, showing the name of the party cutting, the description of the land cut upon, then (the?) number of logs cut and the mark thereon, the total number of feet and the value thereof per thousand as shown by the record of his office, stating whether such cutting has been according to the terms of the permit, and if not properly cut, the consequent damage to the State; and such timber or logs shall not be sold, transferred, or manufactured into lumber until the amount due the state, according to the report of said Land Agent, shall have been paid

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in full; and it shall be the duty of the State Land Agent to report to the State Board of Land Commissioners all trespass which has been, or which may hereafter be made upon the state timber lands, and all logs cut by such trespass shall be disposed of as hereinafter provided.

Approved March 6, 1897.

SENATE BILL NO. 48.

An Act to amend Section 3591, Article 5, Title 8, Part 3 of the Political Code relating to the salary of the Register of the State Land Office.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3591, Article 5, Title 8, Part 3, of the Political Code of the State of Montana, be amended so at (as?) to read and shall be numbered as follows:

"Section 3591." For the services required under this act, the register shall receive an annual salary of Twenty-five hundred ($2,500) dollars, the salary of the register shall be paid out of the funds derived from the sale of State Lands and shall be apportioned among the several land grants to the State according to the amount of such lands selected under each of said grants and shall be determined by the State Board of Land Commissioners.

Section 2. All acts and parts of acts in conflict with this act are hereby repealed.

Section 3. This act to take effect and be in force on and after its passage and approval.

Approved March 4th, 1897.

HOUSE BILL NO. 87.

An Act to amend Section 3698, Chapter III Title X Part III of the Political Code providing for the manner in which valuation and appraisals of real estate shall be made.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3698 of Chapter III, of Title X, of Part III, of the Political Code be amended so as to read as follows:

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Section 3698. That in all counties in the State of Montana which now have, or those which may hereafter acquire, a total assessment of eight million dollars or more, the Judge of the District Court or if there be two Judges in the District then the senior Judge of said District Court, shall on or before the second Monday of February of each year, designate three reputable citizens who shall be residents and tax-payers in the county for which they are appointed, who shall constitute a Board of Appraisers whose duty it shall be to fix valuation of real estate in the county for the purpose of assessment by the county assessor, which valuation so fixed by said Board of Appraisers shall constitute the value or "true value" of such real estate.

Said Board of Appraisers shall meet on the third Monday in February of each year, and continue in session until its duties as prescribed by this Section are completed, not exceeding twelve days, unless the Judge appointing such appraisers shall for good cause shown by an order in writing, extend the said time, but there shall be no extension beyond a reasonable time for said appraisers with due diligence to complete their labors. In all counties having an assessed valuation of less than eight million dollars, the valuation of real estate, and the improvements thereon shall be made by the county assessor in the same manner as the valuations of personal property are made.

Section 2. The Assessor, in making up his assessment list of said estate, is hereby prohibited from assessing any greater or less value upon any piece of real estate than that so fixed by said Board of Appraisers. If there be more than one county in the district over which the Judge presides, he shall designate three appraisers for each county in the District; provided, that no county official shall be appointed to serve upon the Board of Appraisers. It shall be the duty of the county assessor to attend the meeting of the Board of Appraisers and give such Board all the information in his possession concerning property to be assessed and its valuation.

This Act shall be in force and effect from and after its passage and approval.

Approved March 3, 1897.

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HOUSE BILL NO. 67.

An Act to amend Section 4062 of Article 2, Chapter 13, Political Code of Montana, relating to licenses.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4062, Article 2, Political Code of Montana relating to licenses be, and the same is hereby amended to read as follows:

Section 4062: Licenses must be obtained for the purposes hereinafter named, for which the County Treasurer must require payment as follows:

1. Each Proprietor of a Billiard, pool or bagatelle table not kept exclusively for family use, for each table $3.75 per quarter, and for a bowling alley, ten dollars per quarter for each alley; but no license must be granted for a term less than three months.

2. The manager or lessee of every theater (not a variety or concert theater), Five Dollars per day for each day upon which a performance or performances are held, or in lieu thereof a monthly license of twenty-five dollars; for each variety or concert theater, whether an admittance fee is charged or not, Seventy-five Dollars per month; for each single exhibition of opera or concert singer (not exhibited in any theater where a monthly license is paid) three dollars; for minstrels, legerdemain or other shows not herein provided for, Five Dollars for each single performance (when not in a theater where a monthly license is taken out), for every circus or menagerie, including side shows, One Hundred and Twenty-five Dollars per day; but no license must be collected for any amateur exhibition or concert for school or charitable or religious purposes.

3. For each pawnbroker fifty-five dollars per quarter.

4. For each keeper of an intelligence office Ten Dollars per quarter.

5. For each keeper of a shooting gallery for gain, Fifteen Dollars per quarter.

This Act shall be in effect from and after its passage.

Approved March 4, 1897.

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HOUSE BILL NO. 162.

An Act to amend Sections 4063, 4064, 4065, 4068 and 4083 of the Political Code of Montana, and to add to Article II, Chapter XII, Title X, Part III, of the Political Code, a Section to be numbered 4084 regarding licenses.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4063 of the Political Code of the State of Montana be amended so as to read as follows:

CLASS A.

Section 4063. Every person who sells spirituous, malt, vinous or fermented liquors or wines, in quantities less than one quart, must obtain a license from the county treasurer, as prescribed in this Chapter, and make therefor the following payments:

In all cities, towns, villages or camps which contain a population of ten thousand or over, and for a distance of one mile from the limits thereof three hundred dollars semi-annually.

In all cities, towns, villages or camps which contain a population of three thousand five hundred to ten thousand, two hundred and fifty dollars semi-annually.

In all cities, towns, villages or camps which contain a population of one thousand to thirty-five hundred, two hundred and forty dollars semi-annually.

In all cities, towns, villages or camps which contain a population of three hundred to one thousand, two hundred dollars semi-annually.

In all cities, towns, villages or camps which contain a population under three hundred, or elsewhere not provided for in this section, one hundred and fifty dollars semi-annually.

In no case shall any license contemplated in this section be issued for a less period than six months.

CLASS B.

Every person who sells spirituous, malt, vinous, distilled or fermented liquors or wines in quantities not less than one quart must obtain a license from the county treasurer of the county in which the business is transacted and make payment as follows:

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In cities and towns over 5,000 inhabitants, one hundred and fifty dollars, semi-annually and in cities and towns of 5,000 inhabitants or less, one hundred dollars semi-annually. In no case shall any license contemplated in this section, be issued for a less period than six months, and no license issued under the provisions made for Class B. of this section, shall entitle the holders thereof to sell any spirituous, malt, vinous, distilled or fermented liquors or wines in any quantity to be drunk upon the premises where sold; but every person who sells such liquors or wines in any quantity to be drunk upon the premises where sold, must obtain a license from the county treasurer as in Section 4063 hereinbefore provided, and must make payment of the amount prescribed for class A. of this Section. All licenses provided in this Section shall be negotiable and transferable in the city or county where the same are issued.

Section 2. That Section 4065, of the Political Code, be amended so as to read as follows:

"Section 4065. No license shall be required of physicians, surgeons, apothecaries, or chemists for any wines or spirituous liquors that they may use or sell for medicinal purposes, but any apothecary or druggist who shall sell any wine or spirituous liquors without having first obtained a license as in this Act provided, shall be deemed guilty of a misdemeanor as is in the Penal Code provided, in the case of each sale made, unless each such sale shall be made upon a written prescription of a licensed physician, which prescription must be filed and numbered as other prescriptions.

And no further or other license is required of any butcher by reason of any wagon used in connection with his business.

Section 3. That Section 4068 of the Political Code be amended so as to read as follows:

Section 4068. Every brewer or manufacturer of malt liquors, who sells malt liquors in quantities of more than four gallons, and whose sales amount to Three Thousand Dollars per month, or more, must pay a license of Twenty five Dollars per month; whose sales amount to less than Three Thousand Dollars and more than One Thousand Dollars per month, must pay a license of Fifteen Dollars per month; whose sales amount to less than One Thousand Dollars per month, and more than Five Hundred Dollars per month, must pay a license of Seven and 50-100 Dollars per month; whose sales amount to less than Five Hundred Dollars per month must pay a license of Five Dollars per month.

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Every manufacturer of Pop, Soda-water or other light drinks, put up in bottles, in all cities having a population of ten thousand people or over, shall pay a license of Sixty Dollars semi-annually in all cities or towns of more than five thousand and less than Ten Thousand in population, shall pay a license of Forty Dollars semi-annually and in all cities or towns with a population of less than Five Thousand shall pay a license of Twenty-five Dollars semi-annually.

Every wholesale dealer in malt liquors exclusively, where the same are sold in quantities of more than four gallons, shall pay a license of Seventy-five Dollars per annum.

Section 4. That Section 4079 of the Political Code of the State of Montana, be amended so as to read as follows:

"Section 4079. Every person engaged in laundry business, other than the steam laundry business shall pay a license of Ten Dollars per quarter provided that this Act shall not apply to the women engaged in the laundry business, where not more than two women are engaged or employed or kept at work, and said license shall be for one place of business only."

Section 5. That Section 4083 of the Political Code of the State of Montana be amended so as to read as follows:

"Section 4083. Every manufacturer of malt, when not engaged in the manufacture of malt liquors in the State of Montana, must pay a license of One Hundred Dollars per annum.

Section 6. That there shall be added to Article II, Chapter XIII, Title X, Part III, a Section to be numbered 4084.

Section 4084. Every person who commences or carries on a business, trade or profession, or calling for the transaction or carrying on of which a license is required by the provisions of this Act; without taking out or procuring a license as herein prescribed, or who violates any of the provisions of this Act, shall be punished as provided in Section 780 of the Penal Code and in addition thereto shall be liable to a penalty of ten per cent. of the amount of said license, which said penalty must be added to the amount of said license and collected by the county treasurer at the time of the collection of the license, but the payment of said penalty shall in no event relieve any person from the prosecution provided for in Section 780 of the Penal Code.

Section 7. Section 4075 of the Political Code is hereby amended so as to read as follows:

"Section 4075. Every keeper of a restaurant, eating stand, lodging-house, or hotel must pay a license as follows:

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Those doing a business in the aggregate of less than Two Thousand Dollars per quarter, must pay Five Dollars per quarter, and the further sum of Five Dollars for each additional Two Thousand Dollars or a fractional part thereof per quarter.

Section 8. Sections 4048 and 4070 of the Political Code of the State of Montana are hereby repealed.

Approved March 6th, 1897.

HOUSE BILL NO. 160.

An Act to amend Section 4066, of Article II, Chapter XIII, Title X, Part III, of the Political Code of the State of Montana, relating to the licensing of peddlers, hawkers and traveling merchants.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4066, of Article II, Chapter XIII, Title X, Part III, of the Political Code of the State of Montana, be amended so as to read as follows:

Section 4066. Every traveling merchant, hawker or peddler who carries a pack and vends goods, wares or merchandise must pay a license of twelve dollars and fifty cents per quarter, and every traveling merchant, hawker or peddler, who uses a wagon and one animal, must pay a license of twenty dollars per quarter, or if he uses two or more animals for vending such goods, wares or merchandise of any kind, must pay for a license thirty dollars per quarter; and every merchant who travels from place to place and who is not included in the above provisions and vends goods, wares or merchandise at temporary quarters, shall pay a license of fifty dollars per quarter; but the peddler, hawker or traveling merchant, who carries for sale and sells only agricultural products raised by himself or articles manufactured by himself is not included in the provisions of this Section.

Approved March 3, 1897.

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HOUSE BILL NO. 269.

An Act to amend Sections 4071 and 4081 of Article II, Chapter XIII, Title X, Part III, of the Political Code of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4071 of Article II, Chapter XIII, Title X, Part III, of the Political Code of the State of Montana, be amended so as to read as follows:

Section 4071. Every person, corporation or association doing business in this State as a telephone, telegraph or electric company, must pay a license in each county where such business is transacted as follows:

1. Each gas and electric company doing business in cities or towns of more than ten thousand population shall pay a license of two hundred dollars per year; in towns of five thousand and less than ten thousand population, a license of one hundred dollars per year; and in towns of less than five thousand and over fifteen hundred a license of fifty dollars per year and where such companies are consolidated, such license shall be paid for each department.

2. Each telephone company shall pay a license of seventy-five cents per year for each instrument in use. This section applies to all private and public companies.

3. Each telegraph company shall pay a license of five dollars per quarter for each instrument in use.

4. Every person, company or corporation selling water in incorporated cities or towns of more than ten thousand population, shall pay a license of four hundred dollars per year; in towns of five thousand and less than ten thousand population shall pay a license of two hundred dollars per year; and in towns of less than five thousand and over fifteen hundred inhabitants shall pay a license of one hundred dollars per year; and in towns less than fifteen hundred, fifty dollars per year; and where such companies are consolidated, such license shall be paid for each department.

Section 2. That Section 4081 of Article II, Chapter XIII, Title X, Part III of the Political Code be amended so as to read as follows:

Section 4081. Every person corporation or association carrying on the street railway business, by the use of horse, steam, motor or electric power must in towns of four thousand inhabitants or over, pay a license of fifty

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dollars per quarter, and in all towns of less than four thousand inhabitants a license of twenty-five dollars per quarter.

Section 3. That all acts and parts of acts in conflict herewith are hereby repealed.

Approved March 6, 1897.

HOUSE BILL NO. 203.

An Act to amend Section 4800 of the Political Code relative to Legislative Powers of Cities and to enable cities and towns to acquire by purchase, construction or condemnation proceedings water plants, water supplies, franchises, public buildings and sewers.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4800 of the Political Code be and the same is hereby amended so as to read as follows:

"Section 4800. The City or town council has power:"

1. To make and pass all by-laws, ordinances, orders and resolutions not repugnant to the Constitution of the United States, or of the State of Montana, or of the provisions of this Title, necessary for the government or management of the affairs of a city or town, for the execution of the powers vested in the body corporate, and for carrying into effect the provisions of this Title.

2. To levy and collect taxes for general and special purposes on all property within the town or city subject to taxation under the laws of the State.

3. To license all industries, pursuits, professions and occupations, and to impose penalties for failure to comply with such license requirements; but the amount to be paid for such license must not exceed the sum required by the State law when the State law requires a license therefor.

4. To fix the amount, terms and manner of issuing and revoking licenses, but the council may refuse to issue licenses when it may deem it best for the public interests.

5. To build or hire all necessary buildings for the use of the city or town, and to heat and light the same.

6. To lay out, establish, open, alter, widen, extend, grade, pave, or otherwise improve streets, alleys, avenues, sidewalks, parks and public grounds, and vacate the same.

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7. To provide for lighting and cleaning the streets, alleys, and avenues; to regulate the use of sidewalks, and to require the owners of the premises adjoining to keep the same free from snow or other obstruction, to regulate the deposition and removal of ashes, garbage or other offensive matter, in any street, alley, or on public grounds or on any premises, and to provide for levying the cost of such removal as a special tax against the property from which such matter was deposited.

8. To provide for and regulate street crossings, curves, and gutters; to regulate and prevent the use of obstruction of streets, sidewalks and public grounds, by signs, poles, wires, posting handbills or advertisements, or any obstruction.

9. To regulate and prohibit traffic and sales upon the streets, sidewalks and public grounds.

10. To regulate or prohibit the fast driving of horses, animals or vehicles within the city or town.

11. To regulate and control the laying of rail road tracks, and prohibit the use of engines and locomotives propelled by steam or otherwise, or to regulate the speed thereof when used.

12. To require the lighting of any rail road track or route within a city or town, the cars of which are propelled by steam or otherwise, and fix and determine the number, style and size of the lamp posts, burners, lamps, and all other fixtures and apparatus necessary for such lighting, and the points of location of the lamp posts, and to require the construction of crossings on the line of any rail road track or route within the city or town, the cars of which are propelled by steam or otherwise where the said track intersects or crosses any street, alley or public highway, or runs along the same, and to fix and determine the size and kind of such crossing and the grades thereof, and in case the owner of such rail road fails to comply with such requirements, the council may cause the same to be done, and it may assess the expense thereof against such owner, and the same constitutes a lien on any property belonging to such owner within such city or town, and may be collected as other taxes.

13. To license and authorize the construction and operation of street rail roads and require them to conform to the grade of the street as the same are or may be established.

14. To regulate the numbering of houses and lots and to change the same.

15. To provide for the cleaning of waters, water courses and streams

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within the city, or to alter, straighten or widen the same, and the draining and filling in of ponds, wells or shafts on private property when necessary to the public health or public welfare.

16. To license, tax and regulate auctioneers, peddlers, pawn-brokers, second-hand and junk shops, drivers, porters, saloons, billiard tables, ten-pin alleys, shooting galleries, shows, circuses, street parades, theatrical performances and places of amusements, within the city or town; provided that the power to license tax and regulate circuses and shows of like character shall extend three miles beyond the limits of the city or town.

17. To require the owners and keepers of pawn, second-hand and junk shops, to keep a record of all articles purchased or pawned to them, which record, and the articles purchased or pawned, are subject to the inspection of all police officers of the city or town.

18. To prevent the keepers of pawn, second-hand and junk shops from purchasing any article from a minor without the written consent of the parent or guardian of such minor.

19. To regulate or prohibit dance houses, gambling houses, hurdy gurdy houses, houses of prostitution, houses of lewd resort, within the city or town limits and within three miles thereof; and further to regulate or prohibit within the city or town limits and within three miles thereof places by whatever named called, or public resort where females act as waitresses or servants and where spirituous or vinous liquors are retailed.

20. To suppress and punish all fraudulent devices and practices for the purposes of obtaining money or property and to prohibit the same or exhibition of immoral publications, prints, pictures or illustrations.

21. To establish markets and market houses, and provide for the supervision and use thereof.

22. To provide for and regulate the inspection of beef, pork, flour, meal and all provisions, oils, whiskey, and other spirits in barrels, hogsheads, and other vessels; to regulate the inspection of milk, water, butter, lard and other provisions; to regulate the vending of meat, poultry, fish, game, and vegetables; to restrain and punish the forestalling of provisions.

23. To regulate the inspection, weighing and measuring of wood, coal, stone, corn, or other grain, and hay, within the city or town.

24. To regulate the construction, use, repair of vaults, cisterns, hydrants, pumps, sewers, and gutters.

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25. To prevent and punish intoxication, fights, riots, loud noises, disorderly conduct, obscenity, and acts or conduct calculated to disturb the public peace, or which are offensive to public morals within the city or town, and within three miles of the limits thereof.

26. For the purpose of guarding against fire to prescribe the limits within which wooden or combustible buildings must not be erected, placed or repaired, and to establish fire limits within the city or town.

27. To establish a fire department and prescribe and regulate its duties; to maintain a fire alarm and police telegraph.

28. To erect engine, hose, and hook and ladder houses, and provide engines and other implements for the extinguishment of fire.

29. To inspect chimneys, flues, fire places, stove pipes, ruins, structures and boilers, and when dangerous to require the same to be removed or put in order and prohibit the use thereof until safe.

30. To regulate and prevent the storage or handling of gunpowder, giant powder, nitro-glycerine, or other inflammable explosives or materials, tar, pitch, kerosene, oil and turpentine, and to prohibit the storage of the same within three miles of the city limits.

31. To regulate or prohibit the building of bon-fires, the explosion, use or selling of fireworks, firecrackers, torpedoes, or other pyrotechnics or toy pistols or guns within the city or town.

32. To prohibit and punish cruelty to animals.

33. To define and abate nuisances and to impose fines upon persons guilty of creating, continuing or suffering a nuisance to exist on the premises which they occupy or control.

34. To define vagrancy, and to restrain and punish vagrants, mendicants and persons guilty of disorderly conduct.

35. To establish and maintain a jail for the confinement of persons convicted of violating the ordinances of the city or town; to make rules for the government of the same, and to cause the prisoners to work on streets or elsewhere within three miles of the city.

36. To regulate, restrain or prohibit the running at large of horses, cattle, swine, sheep, goats and dogs, or other animals, and to authorize the impounding and sale thereof, if found at large, contrary to ordinance.

37. To license the keeping of dogs, and provide for the killing or destruction thereof, if found running at large without license.

38. To prevent the incumbering of streets, sidewalks, alleys or public grounds with carriages, wagons, lumber, firewood or other obstacles or materials.

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39. To prevent the riding or driving of animals, or the drawing or riding of vehicles of any kind on the sidewalks of the city, or the doing damage in any way to the sidewalks.

40. To prevent horse racing, or immoderate driving or driving in the streets of the city or town and to regulate and provide for the hitching of all animals on the streets.

41. To regulate or prohibit coasting, skating, sliding or tobogganing on the streets or alleys, or the indulgence in other amusements dangerous or annoying to the inhabitants, or having a tendency to frighten animals.

42. To regulate the location of slaughter houses, breweries, distilleries, livery stables, foundries, blacksmith shops, planing mills, soap factories, and tanneries, within the city or town, and to prohibit any offensive and unwholesome establishments within the city or town limits or within three miles thereof.

43. To regulate or suppress the erection of poles and the stringing of wires, rods, or cables in the streets, alleys, or within the limits of any city or town.

44. To provide for a Board of Health and to prescribe its powers and duties, and when such Board of Health is provided for the same to have jurisdiction within the city or town limits and within three miles thereof.

45. To establish at a suitable (place?) without the limits of the city or town, in case of necessity, a hospital to prevent the spread of small-pox or other contagious or infectious diseases, and to regulate the control thereof, and do all other acts which may be necessary for the promotion of health, and to prevent the spread of infectious or contagious diseases within the city or town.

46. To establish and regulate cemeteries within or without the city or town, and acquire lands for this purpose, and prohibit the establishment of cemeteries within three miles of the city or town.

47. To fix the compensation and to prescribe the duties of all officers and other employes of the city or town, subject to the limitations mentioned in this Title.

48. To impose fines and penalties for the violation of any city ordinance, but no fine or penalty must exceed Three Hundred Dollars, and no imprisonment must exceed ninety days for any one offense.

49. To levy and collect annually from each able-bodied male resident of the city or town, between the ages of twenty-one and forty-five years, a poll tax not exceeding Three Dollars per capita; and in case of failure or refusal of any person within the prescribed age to pay said tax, to provide

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by ordinance that the person failing or refusing must work one day on the public streets of the city.

50. To regulate partition fences and party walls not already constructed.

51. To prescribe the thickness, strength, and manner of constructing stone, brick and other buildings, and to order the construction of fire escapes thereon.

52. To use the county jail for the confinement or punishment of offenders, subject to such conditions as are imposed by law, and with the consent of the Board of County Commissioners.

53. To erect and organize a work house in or near a city or town; and any person who fails or neglects to pay any fine or costs imposed on him by any ordinance may be committed to the workhouse until such fine is paid.

54. To license and regulate hackney carriages, carts, omnibuses, wagons and drays, and to fix the rate to be charged for the carriage of persons and property within the city or town and to the public works and property without the limits of the city or town.

55. To regulate, restrain or prevent the carrying on of manufactories, dangerous in causing or producing fires, and to prevent and suppress the sale of fire-arms, and carrying of concealed weapons.

56. To establish standard weights and measures to be used in the city or town, and to provide for a sealer of standard weights and measures, who has exclusive jurisdiction within the city or town.

57. To provide for the inspection and measuring of lumber and other building materials.

58. To make regulations authorizing the police of the city or town to make arrests of persons charged with crime within the limits of the city or town, and within five miles thereof and along the line of the water supply of the city or town.

59. To provide for the planting of trees and the protection of the same.

60. To require from an officer at any time a report in detail of the transactions in his office or any matter connected therewith.

61. To regulate the sales of poisons, and to punish any person for selling or using opium or any preparation thereof, or having the same or any implement to be used in smoking it in his possession, or for keeping maintaining, visiting, or contributing to the support of a room or place where the same is smoked or used.

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Druggists may sell opium or any preparation thereof, subject to the general laws of the State in relation thereto.

62. To sell, dispose of, or lease any property belonging to a city or town not held in trust for a specific purpose, and such transfer must be made by ordinance or resolution passed by a two-thirds vote of all the members of the Council.

63. To make any and all contracts necessary to carry into effect the powers granted by this Title and to provide for the manners of executing the same.

64. To contract an indebtedness on behalf of a city or town, upon the credit thereof, by borrowing money or issuing bonds for the following purposes, to-wit: erection of public buildings, construction of sewers, bridges, water-works, lighting plants, supplying the city or town with water by contract, the purchase of fire apparatus, the construction or purchase of canals or ditches and water rights for supplying the city or town with water, and the funding of outstanding warrants and maturing bonds; provided, that the total amount of indebtedness authorized to be contracted in any form, including the then existing indebtedness, must not, at any time, exceed three per centum of the total assessed valuation of the taxable property of the city or town, as ascertained by the last assessment for State and County taxes; provided, that no money must be borrowed on bonds issued for the construction, purchase or securing of a water plant, water system, water supply, or sewerage system, until the proposition has been submitted to the vote of the tax-payers affected thereby of the city or town and the majority vote cast in favor thereof; and, further provided, that an additional indebtedness shall be incurred, when necessary, to construct a sewerage system or procure a water supply for the said city or town which shall own or control said water supply and devote the revenue derived therefrom to the payment of the debt: The additional indebtedness authorized, including all indebtedness heretofore contracted, which is unpaid or outstanding, for the construction of a sewerage system, shall not exceed ten per centum over and above the three per cent. heretofore referred to, of the total assessed valuation of the taxable property of the city or town as ascertained by the last assessment for State and county taxes; and, provided further, that the above limit of three per centum shall not be extended, unless the question shall have been submitted to a vote of the tax-payers affected thereby and carried in the affirmative by a vote of the majority of said tax-payers who vote at such election. It is further pro-

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vided, that whenever a franchise has been granted to, or a contract made with, any person or persons, corporation or corporations, and such person or persons, corporation or corporations, in pursuance thereof, or otherwise, have established or maintained a system of water supply or have valuable water rights or a supply of water, desired by the city or town for supplying the said city or town with water, the city or town granting such franchise, or entering in such contract, or desiring such water supply, shall, by the passage of an ordinance, give notice to such person or persons, corporation or corporations, that it desires to purchase the plant and franchise and water supply of such person or persons, corporation or corporations, it shall have the right to so purchase the said plant or water supply upon such terms as the parties agree; in case they cannot agree, then the said city or town shall proceed to acquire the same under the laws relating to the taking of private property for public use; and any city or town acquiring property under the laws relating to the taking of private property for public use shall make payment to the owner or owners of the plant or water supply of the value thereof legally determined, within six months from and after final judgment is entered in the condemnation proceedings. For the purpose of providing the city or town with an adequate water supply for municipal and domestic purposes, the city or town Council shall procure and appropriate water rights and title to the same and the necessary real and personal property to make said rights and supply available, by purchase, appropriation, location, condemnation or otherwise.

Cities and towns shall have jurisdiction and control over the territory occupied by their public works and over and along the line of reservoirs, streams, trenches, pipes, drains, and other appurtenances used in the construction and operation of such works and also over the source or stream from which water is taken for the enforcement of its sanitary ordinance, the abatement of nuisances, and the general preservation of the purity of its water supply, with power to enact all ordinances and regulations necessary to carry the powers hereby conferred into effect. For this purpose the city or town shall be authorized to condemn private property in the manner provided by law, and shall have authority to levy a just and equitable tax on all consumers of water for the purpose of defraying the expenses of its procurement.

65. To regulate and provide for the construction or repair of sidewalks and foot pavements, and if the owner of any lot fails to comply with the provisions of the ordinance within such time as may be prescribed thereby, the Council may contract for the construction and repair of such

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sidewalks or pavements, and the city or town may pay for the same and the amount so paid is a lien upon the lot, and may be enforced or the amount may be recovered against the owner by a suit before any court of competent jurisdiction.

66. To grant the right of way through the streets, avenues and other property of a city or town for the purpose of street or other railroads and to regulate the running and management of the same, and compel the owner of such street or other railroads to keep the street in repair when occupied by such street or other railroad; to regulate the speed of railroad engines, and to require railroad companies to station flagmen at street crossings.

67. To compel the owner of a building to erect fire escapes and proper exits and entrances when necessary for safety.

68. To establish the grade of any street, alley, or avenue, and when the grade has been established, it must not be changed except by a vote of the majority of the Council, and not then until the damage to property owners, caused by the change of grade, has been assessed and determined by three disinterested appraisers, who must be appointed by the Mayor and confirmed by the Council, who must make an appraisement, taking into consideration the benefits, if any, to the property, and file their report with the clerk within ten days after receiving notice of their appointment, and the amount of damages so assessed must be tendered to the owner or his agent before any change of grade is made.

69. To provide for the sprinkling of the streets, alleys and public places of the city or town, and to fix the rates to defray the cost of said work.

70. To regulate the location of steam boilers, the putting up of signs and awnings, and the construction of entrances to basements, cellars, and other floors to buildings from the sidewalks.

71. To prevent and prohibit prize fights, boxing matches of any kind, with or without gloves, or exhibition of prize fighters, boxers or sluggers in the city or town, or within five miles thereof.

72. To require the owner of a sidewalk, house, or other structure which is dangerous to passers-by, to repair or remove the same after notice.

73. To permit the use of the streets and alleys of the City or town for the purpose of laying down gas, water and other mains, but no excavations must be made for such purpose without the permission of the Council, or its authorized officer; and the streets and alleys must be placed in

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as good condition by the person or corporation making the excavation, as they were before the excavation was made; and the mains laid down, and in default thereof the Council may order the same to be done at the expense of such person or corporation.

74. To provide for enclosing, improving and regulating all public grounds belonging to the city or town.

75. To condemn private property for opening, establishing, widening or altering any streets, alley, park, sewer, waterway, in the city or town, or for any other public use, and the ordinance authorizing the taking of private property for any such use is conclusive as to the necessity of the taking, and must conform to and the proceeding thereunder had as provided in the Code of Civil Procedure concerning eminent domain.

76. To appropriate money and provide for the payment of the debt and expenses of the city or town, and also the debt of the Municipal Corporation of which it is the successor.

77. To take a census of the inhabitants of a city or town at any time.

78. To provide for the city or town printing, the contract for which must be let annually to the lowest bidder.

79. To adopt, enter into, and carry out means for securing a supply of water for the use of a city or town or its inhabitants.

80. To create special improvement districts, designating the same by number; to extend the time for the payment of assessments levied upon such districts for the improvements thereon for a period not exceeding three years; to make such assessments payable in installments and to pay all expenses of whatever character incurred in making such improvements, with Special Improvement Warrants, which warrants shall bear interest at a rate not to exceed six per centum per annum.

81. To regulate and prohibit the wearing of hats or bonnets at theatres or public places of amusement.

82. To regulate the use and construction of irrigating ditches, drains and flumes within or running through any city or town.

Approved March 8, 1897.

HOUSE BILL NO. 204.

An Act relating to public improvements in cities and towns and repealing Sections 4817, 4818, 4819, 4820, 4821, 4822, 4823, 4824, 4825, 4826, 4827, 4828, 4829, 4830, 4880, 4881, 4882, 4883, 4884, 4885, 4886,

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4887, 4888, 4889, 4890, 4891, 4892, 4893, 4894, 4895, 4896, 4897, 4898, and 4899 of the Political Code of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The city council or town council of any incorporated city or town may cause any street, avenue, or alley, or any part thereof, to be graded, paved, curbed, or macadamized, and may cause sidewalks, sewers, gutters or other improvements to be made thereon, upon the same being ordered by a majority of all the members of the Council. The Council shall have charge of the building, maintenance and repairs, of all sidewalks of whatever kind or character, and such work may be done by contract, or by the street commissioner, or other authorized officer of the city or town; provided, however, that any one, or all kinds of sidewalks shall be built and maintained at the cost of the owner of the property in front of which said sidewalk is built, or to be built.

Section 2. The City or Town Council shall have power to require connections from gas-pipes, water-pipes, steam heating-pipes and sewers to the curb line of the adjacent property to be made before the permanent improvement of the streets whereon they are located, and to regulate the making of such connection on the streets already improved, or on unimproved streets, and in case the owners of the property on such streets shall fail to make such connections within the time fixed by the Council, they may cause such connections to be made, and shall assess against the property in front of which said connections are made the entire cost and expense thereof. All assessments levied under the provisions of this Section shall be enforced and collected in the same manner as other special assessments provided for in Article V of this Chapter, and amendments thereof, and all such assessments shall be a lien against the property.

Section 3. The City or Town Council is authorized to provide by ordinance a system for doing any or all work, in or upon the streets, highways, or public places of the city or town, and for making thereon street improvements and repairs, and for doing any or all work authorized by this Act, and for the payment of the cost and expense thereof. In all cases where any part of the expense of any such improvement, except constructing side-walks, gutters, or making necessary repairing, is to be defrayed by special assessment, the council must first adopt a resolution declaring its intention to make such improvement, and fix a time at which objections to the making of such improvements will be considered.

Section 4. The resolution must designate the boundaries of the dis-

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trict to be affected or benefitted by said improvement. Upon adopting such resolution, the Council must give notice of such intention, which notice must be published for five days in a daily Newspaper, or in one issue of a weekly paper, published in the city or town, or posted for five days in three public places in the city or town, or served upon the owners or agents of the property affected. Such notice must describe the improvements so proposed to be made, and state the estimated cost thereof, and designate the time for such hearing, and shall refer to the resolution entered upon the journal of the Council for the description of the boundaries. If at, or before, the time so fixed, written objections to such improvements, signed by the owners or agents of one-half, of the property to be affected or benefitted by said improvements, be filed with the city clerk, the city or town council shall not make such improvements but if objections be not so filed by the owners or agents of one-half of the property to be affected or benefitted, then the council acquires jurisdiction to order the making of the improvements.

Section 5. A sewer system may be established in a town or city, which may be divided into public, district and private, sewers.

Section 6. Public sewers may be established and constructed along the principal courses of drainage, at such times to such extent, of such dimensions and material, and under such regulations as may be provided by ordinance, and there may be constructed such branches for sewers already constructed or to be constructed as may be considered expedient. An appropriation must be made to meet the cost of such public sewers from the general or sewer fund of the city or town.

Section 7. District sewers may be established within the limits of districts to be prescribed by ordinance, and so as to connect with a public sewer or some course of drainage. The Council may cause sewers to be constructed in any district whenever the owners of a majority of the feet frontage of the real estate within that part of the district affected thereby petition therefor, or whenever the council by the vote of a majority of its members decide it is necessary for sanitary purposes; provided, however, that before the Council shall formally require the construction of the improvements mentioned in this section, notice shall be given and opportunity for hearing afforded as provided in Section 4, but after notice the Council, notwithstanding any objection that may be offered, may require the improvement to be made unless the resolution relating thereto be rescinded by the vote of a majority of the members of the Council.

Section 8. The character, dimensions and material, of such sewers

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must be prescribed. They may be diminished, enlarged or extended by the Council. Repairs and other incidental expenses of the district sewers must be paid out of the general or sewer fund.

Section 9. Private sewers connecting with the public and district sewers, shall be constructed under such restrictions and regulations as the Council may prescribe by ordinance, but the city or town must be at no expense in constructing, repairing or cleaning of the same, but the same must be done by the owner.

Section 10. The city or town Council may construct and maintain bridges across any streams that flow through or penetrate the boundaries of a city or town when the public necessity requires it, and the expense thereof may be paid by special assessment as provided in this Chapter, and amendments thereof, from the sale of bonds or from the general or street fund, or a part thereof, may be paid by any of the above enumerated methods of defraying cost.

Section 11. Whenever it may so elect, the city Council of cities of the first class, may by a vote of two thirds of its members, create a Board of Public Works: Said Board shall consist of three freeholders, not city officials, not more than two of whom shall be of the same political party; they shall be appointed by the mayor and confirmed by the Council.

Section 12. The City Council, shall by ordinance, formulate rules and regulations to govern said Board and fix the salary or compensation of the same, but no amount greater than One Hundred Dollars shall be paid to any member for one month's services. The Board of Public Works so created, may be abolished at any time, upon a vote of two-thirds of all the members of the Council.

Section 13. Whenever it is desired to make a special assessment to defray the cost of obtaining private property for the opening or widening of any street or alley, or for other purposes, or for any of the improvements mentioned in the preceding Section, the city or town Council, shall, by resolution, levy and assess a tax upon such property as they shall determine is specially benefitted thereby, making therein a list thereof, in which shall be described the lot or parcel of land assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite; such resolution signed by the mayor and clerk shall be kept on file in the office of the city clerk, and a notice signed by the city clerk stating that the resolution levying the special assessment to defray the cost of such improvement is on file in his office, subject to inspection for a period

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of five days, shall be published at least once in a newspaper published in the city or town. Such notice shall state the time and place at which objections to the final adoption of such resolution shall be heard by the Council, and the time for such hearing shall be not less than five days after the publication of such notice. At the time so fixed the Council shall meet and hear all such objections, and for that purpose may adjourn from day to day, and may, by resolution, modify such assessment in whole or any part thereof. A copy of such resolution, certified by the city clerk, must be delivered to the city treasurer within two days after its passage, and within five days after the receipt thereof, the city treasurer must, by written notice, mailed or otherwise delivered, notify each owner of the property assessed, of the amount of said assessment, specifying in the notice the purpose for which the levy was made, and the tax against each lot or parcel of land, and the date when the same becomes delinquent.

Section 14. To defray the cost and expense of obtaining private property for the opening or widening of any street, the city or town council shall assess not less than twenty-five per cent. thereof, and any part not to exceed seventy-five per cent thereof, as a special tax against the property, distributing such special tax upon such property in proportion to the benefits and pay the remainder of said cost and expense from the general or street fund of the city or town; provided, however, that if the cost does not exceed Five Hundred Dollars the city or town Council may pay the entire cost from the general or street fund.

Section 15. To defray the cost and expense of obtaining private property for opening or widening or grading, macadamizing, paving or otherwise improving any alley, excepting the building of a sewer, the city or town council shall assess the entire cost thereof, to the property abutting said alley in proportion to the number of linear feet bordering thereon.

Section 16. To defray, the cost and expense of constructing district sewers, the city or town council shall assess the entire cost of said work against the property which is specially benefitted thereby, in proportion to the linear feet bordering said sewer; provided, however, that when a lot or tract of land situated upon a street or alley corner has been assessed, or is about to be assessed for the cost of sewer construction upon one side thereof, it shall not be assessed at any future time for the entire frontage upon the other street or alley, but shall have deducted therefrom as many linear feet as may have been assessed upon the other side, up to, but not to exceed fifty feet.

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Section 17. It is further provided, that when a public or main sewer serves as a district sewer, the city or town council may assess the property bordering said public sewer, either at the time of its construction, or at any future time, for an amount equal to the estimated cost of the district sewer, capable of accommodating said property.

Section 18. Whenever a sewer serves as an outlet for the district or lateral sewers which drain a limited area, but which cannot justly be considered a public sewer benefitting the entire city or town, its cost, or any part thereof may be defrayed by special assessment levied against all the property which it serves as a drain, each lot or parcel of land benefitted thereby to be assessed in the proportion which its area bears to the area of all the territory affected or benefitted thereby, exclusive of streets, alleys and public places. Said levy may be made at the time of the construction of said sewer or at any future time.

Section 19. To defray the cost of grading any street, the city or town council shall assess not less than twenty-five per cent. thereof, and any part not to exceed seventy-five per cent. thereof, as a special tax against the property, which it may determine is specially benefitted thereby, and pay the remainder of said cost and expense from the general or street fund of the city or town.

Section 20. To defray the cost of paving, macadamizing or similarily improving any street, together with the cost of catch basins, storm drains to some main line of drainage, and appurtenances thereto, the city or town council shall assess the entire cost thereof, excepting the cost of paving and cross-walks, at the street and alley intersections and any amount which may be payable by any person or corporation occupying any part of any street under a franchise, as a special tax against the property bordering or abutting said streets, in proportion to the linear feet abutting or bordering the same.

Section 21. To defray the cost of curbing, guttering and constructing side-walks, and keeping the same in repair, the city or town council shall assess the entire cost thereof to the property in front of which said improvement is made. The property occupying a street corner to be assessed for that part of said improvement which is within the street intersection.

Section 22. To defray the cost and expense of changing the established grade of any street, avenue or alley, the council may assess any part of such cost and expense, not exceeding seventy-five per cent. thereof, as a special

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tax against the property which it may determine is specifically benefitted thereby, or they may pay the whole cost from the general or street fund of the city or town.

Section 23. To defray the cost of any improvement not specifically mentioned in this Article, the Council may, by ordinance, establish rules for doing said work, and may assess any part, or the whole cost of said work to the property which it may determine is specifically benefitted thereby.

Section 24. Whenever the Council of any city or town desires to sprinkle the whole or any part of their city or town, as provided in this Chapter, it shall provide by ordinance a method of doing said work, and paying for the same under the following restrictions and regulations.

Section 25. A resolution dividing the whole, or any part of their city or town into sprinkling districts, to be known and designated by number, shall be passed; said resolution shall plainly define the boundaries of the several districts, or enumerate the streets, alleys, and public places or any part thereof, constituting the different districts:

Section 26. When once defined, sprinkling districts shall not be changed during the same calendar year, but may be changed by resolution the following year, or any year thereafter.

Section 27. The sprinkling in the districts so established may be done by contract or by forces employed by the city or town, or by both, in such manner as the Council may elect, and it shall be the duty of said Council, to estimate as near as practicable, the cost of sprinkling in such districts so established, for the season, and before the first Monday in October of each year they shall pass and finally adopt a resolution levying and assessing all the property within the several districts with an amount equal to not less than seventy-five per cent. of the entire cost of said work exclusive of the cost of sprinkling parks and public places.

Section 28. The rate of taxation in each sprinkling district shall be determined by dividing the total cost of sprinkling the same, by the total number of linear feet of property in front of, or bordering which sprinkling has been done, and each lot or parcel of land shall be assessed for as many linear feet as border on any street that has been sprinkled.

Section 29. The resolution levying the assessment to defray the cost of sprinkling, shall contain a list in which shall be described the lot or parcel of land assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite; such resolution shall be kept on

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file in the office of the city clerk, and a notice signed by the city clerk stating that the resolution levying special assessment to defray the cost of sprinkling in the several districts, is on file in his office and subject to inspection for a period of five days, shall be published at least once in a newspaper published in a city or town; such notice shall state the time and place at which objections to the final adoption of such resolution will be heard by the Council, and the time for such hearing shall be not less than five days after the publication of such notice; at the time so set, the Council shall meet at their regular place of meeting and hear all objections which may be made to such assessment, or any part thereof, and may adjourn from time to time, for that purpose, and may, by resolution, modify such assessment in whole or in part. A copy of such resolution, certified by the city clerk, must be delivered to the city treasurer on or before the first Monday in October, and such assessment shall be placed upon the tax roll, and collected in the same manner as other taxes.

Section 30. Whenever the Council desires to make improvements and extend the pavements (payments?) for the same over a period of three years, as provided in this Chapter, and amendments thereof, it shall enact by ordinance that the entire expense, (less any amount which may be payable by any person or corporation occupying any part of any street under a franchise,) of all improvements within each Special Improvement District thus created, including cost of street and alley intersections, shall be paid by the entire district, each lot or parcel of land within such district to be assessed for that part of the whole cost which its area bears to the area of the entire district, exclusive of streets, alleys and public places.

Section 31. Whenever it is desired to create a Special Improvment District for the purpose of grading, paving, curbing, macadamizing, constructing sidewalks, sewers, gutters, planting trees, or making any one or more of the improvements herein mentioned, or other public improvements of a similar nature as provided in this Chapter, and amendments thereof, the payment of assessments for which are to be made in installments, and are to extend over a period of three years, and the cost of which Special Improvement is to be paid for by Special Improvement Warrants, the Council by resolution, designate the number of such districts, describe the boundaries thereof, and state therein, the character of the improvement or improvements which are to be made, an approximate estimate of the cost thereof, and the time when the Council will hear objections to its final adoption; such resolution shall be published in a daily news-

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paper, published in the city or town, for at least five days, or in a weekly paper in one issue, not less than five days before the date set for hearing objections to the final adoption of the same. Any person or persons who are owners or agents of any lot or parcel of land within such improvement district shall have the right to appear at said meeting either in person or by counsel and show cause, if any there be, why the improvements mentioned therein shall not be made; if at such meeting, objections are made to the making of such improvement, by owners or agents representing more than one-half in area of all the property which would be assessed to defray the cost of said improvement, the improvements shall not be made at that time, and at no time during a period of six months thereafter, but after the expiration of six months, a resolution providing for the same or similar improvements, covering the same territory may be considered after giving the same notice and taking the same proceedings as provided for in the consideration of the original resolution. If the owners or agents of property to the extent herein mentioned fail to make objections, a majority of all the members of the Council voting in the affirmative will finally adopt the said resolution.

Section 32. All cost and expense incurred in making improvements in any special improvement district shall be paid by Special Improvement Warrants, drawn against said district fund; and each special Improvement District shall be a special fund; said warrants shall draw simple interest at the rate of six per cent. per annum; such interest from the date of registration of the warrant until the first payment of the assessment for such work becomes delinquent; shall be considered a part of the cost of such improvement.

Section 33. To defray the cost of making improvements in any special improvement district, the Council shall by resolution, levy and assess a tax upon all property in such district as provided in Section 30 hereof. Such resolution shall contain a description of each lot or parcel of land, with the name of the owner, if known, and the amount of each partial payment, and the date when the same becomes delinquent.

Section 34. Such resolution signed by the mayor and clerk shall be kept on file in the office of the city clerk, and a notice signed by the city clerk stating that the resolution levying the special assessment to defray the cost of such improvement, is on file in his office, subject to inspection for a period of five days, shall be published at least once in a newspaper published in the city or town. Such notice shall state the time and

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place at which objections to the final adoption of such resolution will be heard by the Council, and the time for such hearing shall not be less than five days after the publication of such notice. At the time so fixed the Council shall meet and hear all such objections, and for that purpose may adjourn from day to day, and may by resolution, modify such assessment in whole or in part thereof. A copy of such resolution, certified by the city clerk, must be delivered to the city treasurer within two days after its passage.

Section 35. If such resolution is passed, objections heard, and finally disposed of between the first Monday in October and the first day of the following April, the first payment which shall be for one-fourth of the total assessment shall be placed on subsequent tax-rolls and be collected in the same manner as other taxes. If such resolution is passed, objections heard, and finally disposed of between the first day of April and the first Monday in October, the first payment which shall be for one-fourth the total assessment shall be placed on the tax-roll and collected in the same manner as other taxes, and all subsequent payments, each of which shall be for one-fourth the total assessment, if unpaid as hereinafter provided, shall be placed on subsequent tax-rolls and similarly collected.

Section 36. When one payment becomes delinquent, the whole tax shall become so, and the property shall be sold the same as other property sold for taxes.

Section 37. Upon all payments after the first, the city treasurer shall collect simple interest at the rate of six per cent. per annum from the date when the first payment becomes delinquent and shall receive payment in full and give receipts therefor for the entire tax on any property with interest to the date of payment, at any time the same may be tendered by the owner or agent.

Section 38. The treasurer must make settlement with the Council for the taxes so collected as in other cases.

Section 39. Nothing contained in Sections 30 and 31 hereof shall prevent the Council from making public improvements as provided in other Sections in this Chapter, and amendments thereof.

Section 40. The estimated cost of the preparation of assessment rolls, except the cost of labor performed by an officer or regular employee of the city, shall be considered a part of the cost of all work heretofore enumerated.

Section 41. Any special assessment made and levied to defray the cost

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and expense of any of the work enumerated in this Article, together with any per centages imposed for delinquency, and for cost of collection, constitute a lien upon and against the property upon which such assessment is made and levied, from and after the date of the payment of such assessment, which lien shall be enforced by a summary sale of such property, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, or by an action in any court of competent jurisdiction to foreclose such lien, but any property sold to satisfy such liens shall be subject to redemption within the time and in the manner provided, or that may hereafter be provided by law for the redemption of property sold for taxes.

Section 42. Any mistake in the description of the property or the name of the owner shall not vitiate the liens, unless it is impossible to identify the property from the description.

Section 43. Whenever, by reason of an alleged non-conformity to any law or ordinance, or by reason of any omission or irregularity, any special tax or assessment is either invalid or its validity is questioned, the Council may make all necessary orders and ordinances and may take all necessary steps to correct the same and to re-assess and re-levy the same, including the ordering of work, with the same force and effect as if made at the time provided by law, ordinance or resolution relating thereto; and may re-assess and re-levy the same with the same force and effect as an original levy. Whenever any apportionment or assessment is made and any property is assessed too little or too much, the same may be corrected and reassessed for such additional error (amount?) as may be proper, or the assessment may be reduced even to the extent of refunding the tax collected. Any special tax upon re-assessment, or re-levy, shall, so far as is practicable, be levied and collected as the same would have been if the first levy had been enforced; and any provisions of any law or ordinance specifying a time when, or order in which acts shall be done in a proceeding which may result in a special tax, shall be taken to be subject to the qualifications of this Act. Any and every ordinance, or part thereof, of any Council heretofore passed in substantial conformity with this Section, is hereby legalized.

Section 44. Whenever the estimated special tax or assessments for any of the improvements mentioned in the preceding Sections, or for the taking of private property for the opening or widening of any street or alley, in the aggregate amount to more than twenty-five per cent. of the last as-

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sessed value of the property, sought to be assessed, then the Council must provide out of the general fund for the payment of the amount in excess of said twenty-five per cent.

Section 45. The tax, as provided in the preceding Sections of this Article, must, unless otherwise distinctly specified, be paid within thirty days after its levy ,to the city treasurer, who must give a receipt therefor, and in case of the non-payment, the treasurer must proceed to collect the same in the same manner as delinquent taxes are collected on other property. If such tax is not paid within said sixty days a penalty of ten per cent. shall be added thereto and collected as a part of the tax.

Section 46. The treasurer must make settlement with the Council for the taxes collected as in other cases.

Section 47. That Sections 4817, 4818, 4819, 4820, 4821, 4822, 4823, 4824, 4825, 4826, 4827, 4828, 4829, 4830, 4880, 4881, 4882, 4883, 4884, 4885, 4886, 4887, 4888, 4889, 4890, 4891, 4892, 4893, 4894, 4895, 4896, 4897, 4898 and 4899 of the Political Code be and the same are hereby, repealed.

Approved March 8th, 1897.

HOUSE BILL NO. 213.

An Act to amend Sections 4867, 4868, 4869, 4870, 4871, 4872, 4873, 4876, and 4877 of the Political Code, of Montana, relating to taxation in Municipal Corporations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 4867, 4868, 4869, 4870, 4871, 4872, 4873, 4876, and 4877 of the Political Code be and the same are hereby amended so as to read as follows:

Section 4867. It is the duty of the county clerk on or before the first Monday in October in each year to make a duplicate of the corrected assessment book for each city in the county, the treasurer of which is required by ordinance of such city to collect its taxes.

Such book shall be styled "The Duplicate Assessment Book for the City of.....," and must contain a copy of the "Corrected Assessment Book" of the county as far as the same refers to city property.

Section 4868. Such duplicate must be made in a book furnished by

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the city clerk of each city in the county, and ruled in columns specifying the different funds so that the city treasurer may extend the same and collect the taxes.

Section 4869. The county clerk must deliver such duplicate assessment book to each city treasurer, and take his receipt therefor, having attached thereto the affidavit similar to the one set out in Section 3845 of this Code.

Section 4870. The county treasurer of the counties must collect the taxes levied by all cities and towns in the respective counties, except in case of such cities of the first and second classes as may provide by ordinance for the city treasurer to collect the taxes from such "corrected assessment book."

Section 4871. In case an ordinance of any city of the first or second class shall provide for the collection of its taxes by its treasurer, such treasurer shall have the same power to collect municipal taxes as the county treasurer to collect State and county taxes, and the same right to give notice, add penalties, seize and sell property for delinquent taxes, give deeds to purchasers, and to do everything that a county treasurer might do in the premises, except that he must make settlement with the City Council.

Section 4872. The Council must, on or before the first Monday of October of each year, by resolution, determine the amount of city or town taxes for all purposes, to be levied and assessed on the taxable property in the city or town for the current fiscal year, and the city clerk must at once certify to the county treasurer a copy of such resolution, and the county treasurer must collect the taxes as in this Article provided; provided, that in cities where the council has provided by ordinance for the collection of their taxes by the city treasurer, the city clerk must certify a copy of such resolution to the city treasurer.

Section 4873. The fiscal year of cities and towns begins on the first Monday of May in each year.

Section 4876. The city clerk must make a list of all persons liable for such tax, and present the same to the council for inspection and correction at a regular or special meeting to be held not later than the third Monday of May. On or before the first regular meeting in June the council must direct a copy of such list, as corrected, certified by the clerk, to be delivered to the city treasurer, and the city treasurer must forthwith collect such taxes from the persons named in the list, and from such

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other persons liable for the same as he may add thereto, provided, that any person who is assessed for a property tax in the city may pay such poll tax at the time he pays his general tax, and in such case the poll tax shall be added upon the assessment list to other taxes of persons liable therefor paying taxes upon real and personal property, by the county clerk upon a list of the names of persons liable for the same being certified to by the city clerk.

Section 4877. The city or town clerk, in making such list, and the city or town treasurer in collecting such tax, have the same powers in reference thereto as the county assessor and county treasurer have in assessing and collecting the poll tax provided for in Chapter X, Title X, Part III, of this Code, Sections 3960, 3961, 3962, 3963, 3964, 3965, 3966, 3967, 3968, 3969, 3970, 3971, 3972, 3973, 3974, 3975, 3976, 3977, 3978, 3979, 3980, 3981 and 3982.

Approved March 3, 1897.

HOUSE BILL NO. 208.

An Act to amend Sections 4950 and 4951 of Chapter IV, Part IV, and Title III. of the Political Code, relative to the proceeding for changing cities or towns from one class to another.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4950 of Part IV, Title III, Chapter IV, of the Political Code, be and the same is hereby amended so as to read as follows:

"Section 4950. Whenever it manifestly appears to a city or town council from the last federal, State, county, city or town census, that such city or town has the requisite population to entitle it to be classified as provided in Section 4710, Part IV, Title III, Chapter III, of this Code, such city or town must be advanced as provided in the next Section."

Section 2. That Section 4951 of Part IV., Title III, Chapter IV, of the Political Code, be, and the same is hereby amended so as to read as follows: Section 4951. If it appears by such census that the city or town contains the requisite population to be advanced, the council must thereupon, by resolution, de-

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clare that the town is advanced to a city of the first, second or third class, or a city of the third class is advanced to a city of the second or first class, or a city of the second class is advanced to a city of the first class, as the case may be, and file a certified copy of such resolution in the office of the county clerk of the county, and in the office of the Secretary of State.

Whereupon such town becomes a city of the first, second or third class, and a city of the third class becomes a city of the second or first class, and a city of the second class becomes a city of the first class, as the case may be, to be governed under the provisions of this Title.

Approved March 3, 1897.

HOUSE BILL NO. 206.

An Act relating to municipal indebtedness and repealing Sections 4970, 4971, 4972, 4973, 4974, 4975, 4976, 4977, 4978, 4979, 4980, 4981, of the Political Code of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whenever the council of any city or town, having a corporate existence in this State, or hereafter organized under the provisions of this title, shall deem it necessary to borrow money or contract indebtedness under its powers, as set forth in subdivision 64 of Section 4800 of the Political Code, or amendments thereto, the question of issuing bonds or contracting such indebtedness shall first be submitted to the qualified electors of such city or town in the manner hereinafter set forth, Provided, that tax payers only, as defined by Sections 1187 and 1188, of the Political Code, shall be entitled to vote on questions concerning the construction, purchase or securing of a water plant, water system, water supply, or sewerage system.

Section 2. Notice of such election must be published for a period of not less than three weeks in some newspaper published in the city or town, if there be one, and if not then in the newspaper published at a point in the State nearest to the city or town, and such notice must be posted in not less than three public places in the city or town. The notice must state the time and place of holding the election, the amount and character of the bonds proposed to be issued and the particular pur-

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pose therefor. At such election the ballots must contain the words "Bonds;—Yes;" "Bonds—No;" and in voting the elector must make a cross thus, "X" opposite the answer for which he intends to vote. Such election must be conducted and canvassed and the returns made in the same manner as other city or town elections. The council may provide by ordinance for the registration of the tax payers or qualified electors of such city or town, and no person shall be entitled to register or vote at such election who is not a tax payer or qualified elector as hereinbefore set forth.

Section 3. If the majority of the votes cast at the election be for "Bonds—Yes," the council must give notice by advertising in some paper published in the city or town, if there be one, and if not then in the newspaper published at a point in the State nearest to the city or town, and also in some newspaper published in New York City for a period of not less than four weeks, to the effect that the city or town will sell such bonds, briefly describing them, at public auction, and stating the time when and place where such sale will take place.

Section 4. Such bonds must be in such form as the council by ordinance directs, and be of the denominations of one hundred dollars or one thousand dollars. The bonds and coupons attached must be signed by the Mayor and City or Town Clerk, and the date of issue must be registered by the Clerk. The bonds must be sold at not less than their par value and at a rate not exceeding six per cent. per annum, payable semiannually; Provided, that the bonds may be sold either to the bidder offering the highest price for them or to the bidder offering to purchase the bonds at the lowest rate of interest, which rate shall not exceed six per cent. per annum, and the notice of sale must clearly state which form of bids is required. In case bonds authorized to be issued to fund outstanding bonds or warrants shall not be sold at or after the advertised date of sale, the city may exchange the same at not less than par for such outstanding bonds or warrants at their face value with accrued interest added.

Section 5. The money arising from the sale of bonds must be paid into the city or town treasury, and applied only to the purposes for which the bonds were issued.

Section 6. A tax to be fixed by ordinance must be levied each year for the purpose of paying interest on the bonds and to create a sinking fund for their redemption. The treasurer of such city or town must pay in lawful moneys of the United States, on each first day of January and

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the first day of July after the issue of the bonds, the interest due thereon, upon presentation at his office of the proper coupons, which must show the amounts due and the number of the bonds to which they severally belong. In case the purchaser of such bonds gives the treasurer notice in writing that he wishes the bonds so held by him and the interest thereon, to be paid in New York City, then such bonds and coupons shall be payable in New York City at such bank as shall be designated by the city or town treasurer and all bonds and coupons so paid must be returned to the city or town council at its next monthly meeting and must be immediately cancelled by the clerk.

Section 7. The bonds shall be made payable in not to exceed twenty years, and redeemable at such times as are prescribed in the ordinance directing their issue. Whenever at any time after such bonds become redeemable the sum in the sinking fund equals or exceeds one thousand dollars, the city or town treasurer must cause a notice to be published in one newspaper published in such city or town, that he will in thirty days from the date of such notice redeem said amount of the bonds which may then be payable, giving the number thereof, and calling for said bonds in their numerical order; and if at the expiration of said thirty days the holder of any bond thus called fails or neglects to present the same for payment, interest thereon must cease; but the treasurer must at all times thereafter be ready to redeem the same on presentation.

Such notice must also be sent by mail to the bank in New York City which the treasurer has designated as the bank at which the bonds and the interest thereon will be paid.

Section 8. Sections 4970 to 4981 both inclusive of the Political Code are hereby repealed.

Section 9. That Section 4984 of the Political Code be and the same is hereby amended so as to read as follows: Section 4984. The issuance of such bonds, the payment of interest thereon, and redemption thereof, must be made in the same manner, and the same proceedings had as provided in relation to other municipal bonds, except that such bonds are redeemable and payable at such time as prescribed in the ordinance.

Approved March 6, 1897.

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HOUSE BILL NO. 188.

An Act to amend Sections 5039 of the Political Code of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5039 of the Political Code be and the same is amended so as to read as follows:

"Section 5039. The Council has power to establish and maintain a free public library, and for that purpose may provide by ordinance for a tax not exceeding one mill on a dollar on the property in the City or Town. If a tax for the maintenance of a public library has once been authorized by a vote of the qualified electors of the city or town the same rate of tax shall be levied annually until the rate is changed by a vote of said qualified electors. A tax so levied and collected constitutes a fund known as the library fund, and must be expended only for the library and the support and maintenance thereof.

Approved March 3rd, 1897

HOUSE BILL NO. 70.

An Act amending Section 313 of Title II, Chapter II, of Part III, of the Civil Code of the State of Montana, relating to adoption and adding an additional Section to said Chapter to be known as Section 321.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 313, Title II, Chapter II, of the Civil Code be amended, and the same is hereby amended, so as to read as follows:

"Section 313. A legitimate child cannot be adopted without the consent of its parents, if living; nor an illegitimate child without the consent of its mother if living; except the consent is not necessary from a father or mother deprived of civil rights, or adjudged guilty of adultery or of cruelty, and for either cause divorced, or adjudged to be an habitual drunkard, or who has been judicially deprived of the custody of the child on account of cruelty or neglect, or who has, in this or any other State, wilfully abandoned a child, or caused the same to be maintained in any

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public Orphan Asylum for one year without contributing to the support of said child; neither is the consent of any one necessary in the case of an abandoned child; provided, however, that when any such child being a half orphan, and kept and maintained within any Orphan Home or Asylum in this State for one year or over, may be adopted with the consent of a majority of the Board of Trustees of said Orphan's Home or asylum, without the consent of the parent, unless such parent has paid toward the expenses of the maintenance of such half-orphan, at least sixty per cent of the legitimate cost of keeping and maintaining said child, during the said time, if able to do so; and where the parent is a non-resident of this State, said child may be adopted with the consent of a majority of the Board of Trustees of such Home or Asylum whenever it has been left by its parents in such Home or Asylum for more than one year, whether the parent has contributed to its support or not, and the consent of the parent of such half-orphan is not necessary to its adoption, whenever a majority of the Board of Trustees are authorized to give such consent as in this Chapter, provided, which consent shall be given in the same manner that parents are authorized by law to consent to adoption of their children."

Section 2. That said Chapter II, Title II, of the Civil Code of the State of Montana be further amended by adding a new Section thereto, numbered Section 321 as follows:

"Section 321. A majority of the Board of Trustees of any Orphans Home or Asylum in this State are hereby authorized and empowered to consent to the adoption of any orphan child, or child abandoned by its parents, in the same manner that parents are authorized by law to consent to the adoption of their children, provided That such orphan child, or child abandoned by its parents, shall have been in the charge and under the management of said Board of Trustees of such Orphans Home or Asylum for the period of one year prior to such adoption and during that time supported wholly or to the amount of forty per cent at the expense of such Home or Asylum.

Section 3. This Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved March 1, 1897.

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SENATE BILL NO. 101.

An Act to amend Section 401 of the Civil Code of the State of Montana, Part IV, of Division First of said Code relating to corporations formed or existing before said Code took effect.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 401 of the Civil Code of the State of Montana, Part 4, of division first of said Code relating to corporations formed or existing before said Code took effect be, and the same is hereby amended so as to read as follows:

Section 401. No corporation formed or existing before twelve o'clock noon on the first day of July A. D. 1895, when this Code takes effect is or shall be in any manner affected by any of the provisions of Part IV. of Division First of this Code, except those provisions which specifically mention and are made applicable to corporations formed and existing before said time, or unless such corporations elect to continue their existence under the provisions of this Code applicable thereto as provided in Section 400 of this Code; but all the laws of the State of Montana in force and applicable to said previously formed and existing corporations at twelve o'clock noon on the said first day of July A. D. 1895 when this Code takes effect, shall continue to apply and govern such previously formed and existing corporations in all respects, as well in relation to their formation and existence as to their operation, management and all other matters and things contained in said laws and relating and applicable to such corporations, and said laws are repealed subject to the provisions of this section.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Section 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1897.

SENATE BILL NO. 64.

An Act to provide for the organization, regulation and inspection of Building and Loan Associations and to repeal Sections 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809,

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810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844 and 845 of the Civil Code of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That a corporation for the purpose of raising money to be loaned among its members shall be known in this act as a Building and Loan Association. Associations organized under the laws of this State shall be known in this State as "domestic" associations and those organized under the laws of other States and Territories as "foreign" associations. Associations may be organized and conducted under the general laws of Montana, relating to corporations, except as otherwise provided in this act.

Section 2. Any Building and Loan Association heretofore organized and existing under and by virtue of the laws of the State of Montana, may be incorporated under the provisions of this act, by calling a meeting of its stockholders upon notice published in a paper having a general circulation in the county, in which the general office of the company is located, and by mailing a notice of such meeting to the last known address of its stockholders ten days previous to such meeting. Should a majority of the stock vote to become incorporated under this act, the president and secretary shall file a certificate of the vote with the Secretary of State, and such companies shall thereafter act, and be incorporated under this act. The validity of its securities and contracts shall in no wise be affected by its reformation as provided in this section.

Section 3. The capital stock named in the articles of incorporation, shall be deemed to refer to the authorized capital, and the organization may be completed and business commenced when five per cent thereof is subscribed. Directors may be elected for any term not less than one year nor longer than three years, but if such term be longer than one year, it shall be so arranged that the term of office of an equal number of directors, as nearly as may be, will expire each year.

Section 4. Such corporation shall have power to issue stock to members on such terms and conditions as the constitution and by laws may provide. To assess and collect from members and depositors such dues, fines, interest and premium on loans made or other assessments as may be provided for in the constitution and by-laws. Such dues, fines, premiums or other assessments shall not be deemed usury although in excess

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of the legal rate of interest. To permit members to withdraw all or part of their stock deposits at such time and upon such terms as the constitution and by-laws may provide. Any member however who withdraws his entire stock or whose stock is matured, shall be entitled to receive all dues paid in and dividends declared, less all fines or other assessments and less a pro rata share of all losses, if any have occurred, Provided, that any member who withdraws within sixty days shall be entitled to receive the full amount paid in, less ten per cent, and any sum which he may have received from the company. To cancel shares of stock upon which all payments have been withdrawn, or upon which loans have been cancelled and reissue them as new stock. To issue stock to minors and permit the same to be withdrawn as other stock and the receipt of such minor shall be a valid acquittance if his rights have been fully secured to him. To acquire, hold, incumber and convey such real estate and personal property as may be necessary for the transactions of its business or necessary to enforce or protect its securities. To borrow money not exceeding twenty per cent of its assets and issue its evidence of indebtedness therefor To make loans to members and depositors on such terms, conditions and securities as may be provided in the constitution and by-laws. To cancel such loans and release the securities on such terms as the board of directors may provide. But any member may have his loan cancelled upon the following terms, to-wit: After the premium for one year has been paid, and also the premium and interest up to the date or cancellation, the borrower shall pay the sum actually borrowed, less the dues paid and the dividends credited. He shall pay also any fines or other assessments required by the constitution and by-laws. To invest the money of the association in city, county or state warrants and bonds. To loan money to other Building and Loan Associations. To accumulate from the earnings and invest as the board of directors may determine a reserve fund for the payment of contingent losses. To make such annual or semi-annual distribution of the earnings (after paying expenses and setting aside a sum for the reserve fund as hereinafter provided), as the constitution and by-laws may prescribe. To increase or decrease its authorized capital or the face value of its shares at any time by a majority vote of its directors, and a certificate of such action shall be made by the president and secretary and duly filed with the Secretary of State. To dissolve the corporation when its continuance shall be deemed by a majority vote of its members to be no longer desirable, subject, however to the vested rights of its members. To provide by constitution adopted by its members, and by-

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laws adopted by its board of directors, for the proper exercise of the powers herein granted and the conduct and management of its affairs. All such other powers as are necessary and proper to enable such corporation to carry out the purpose of its organization.

Section 5. Withdrawing members and depositors shall be entitled to all the receipts of the association, except what is necessary for the payment of expenses and outstanding contracts as fast as collections are made, in the order in which the application for withdrawals are registered on the books of the association, and shall be entitled to be paid as fast as collections are made by the association, and in no other way.

Section 6. All officers of such association who have charge or possession or (of?) money, securities or property, shall give bond before entering upon their duties to the satisfaction of the board of directors and the State Examiner for the faithful performance of the same, and the safe keeping and proper application of all moneys or property coming into their hands. All officers of such corporations on being re-elected to office shall renew their bonds. The bond may be increased or additional sureties required at any time by the board of directors. Directors shall not be eligible as bondsmen.

Section 7. The amount to be set aside to the fund for contingent losses shall be determined by the board of directors, but in all permanent or serial associations at least five per cent of the net earnings shall be set aside each year for such fund until it reaches at least five per cent of the outstanding loans. All losses shall be paid out of such fund until the same is exhausted, and whenever the amount in said fund falls below five per cent of the loans as aforesaid, it shall be replenished by annual appropriations of at least five per cent of the net earnings as herinbefore provided until it again reaches said amount.

Section 8. All expenses of any such association shall be paid in such manner as may be determined by the vote of the owners of the majority of the stock in force in any such association and indicated in its by-laws. Provided: That after an association has been organized for two years, the expenses must be paid out of the earnings only." The charges incident to a loan if paid by the borrower, shall not be deemed a part of the current expenses. A portion of the earnings to be determined by the board of directors, shall also be reserved annually or semi-annually, for the payment of contingent losses as provided in Section 7 of this act, and the residue of such earnings shall be transferred as a dividend annually or semi-

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annually in such proportion to the credit of all members as the corporation by its constitution and by-laws may provide, to be paid to them at such time and in such manner in conformity with this act as the corporation by its constitution and by-laws may provide. All losses shall be assessed in the same proportion and manner on all members after the amount in the reserve fund has been applied to the payment of the same.

Section 9. Every such association shall be assessed for, and pay taxes upon office furniture and fixtures and all real estate acquired in the course of its business. The amount standing to the credit of each member of any such association upon its books to be considered and held as the individual credit of such member, and each member shall list the shares held by him for taxation at their real value in money in the county of his residence, the same as other credits are listed, except shares from which loans have been made or money advanced by the association, and such shares shall be listed for taxation at the net cash value of the stock to be ascertained by deducting the loan from the cash value of the shares. Corporations organized under this act shall be subject to taxation in no other way. All foreign and domestic associations authorized to do business in this state shall by the first day of March of each year deliver or cause to be delivered to the county assessor of the several counties wherein their stockholders may reside a list of such stockholders, together with the actual money value of the stock held by such stockholders, and as a penalty for the failure of any such association to comply with this section they shall forfeit and pay to the State the sum of five hundred dollars.

Section 10. Foreign Building and Loan Associations wishing to do business in this state, shall first procure from the state auditor a certificate of authority to do so. To procure such authority, such association shall comply with the following provisions:

First. It shall deposit with the State Treasurer twenty-five thousand dollars, either in cash or bonds of the United States, or the State of Montana, or any county or municipal corporation in the State of Montana, or first mortgages on real estate taken in the regular course of business which are not delinquent.

Second. It shall file with the Secretary of State a certified copy of its charter, constitution and by-laws and other rules and regulations showing its manner of conducting business, together with a statement such as is required annually from all associations.

Third. It shall also file with the Secretary of State, a certificate duly executed under the seal of the corporation, and the signature of its presi-

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dent, vice-president or other acting head, and its secretary if there be one, certifying that the said corporation has consented to be sued in the courts of this state, and that service of process may be made upon some person, a citizen of this state, whose name and place of residence shall be designated in such certificate, and such service when so made upon such agent shall be valid service on the corporation, or company and such agent shall reside at the principal place of business of such corporation or company. The written consent of the person so designated to act as such agent shall also be filed in like manner, and such designation shall remain in force until the filing in the same offices of a revocation thereof, or of the consent executed in like manner. A certified copy of a designation so filed accompanied with a certificate that it has not been revoked, is presumptive evidence of the execution thereof, and conclusive evidence of the authority of the officer executing it.

Section 11. All Building and Loan Associations organized under the laws of any other state, territory or nation doing business in this state, shall deposit with the state treasurer of the state, all the mortgages or other securities taken by them in this state, to be held in trust for all their members and creditors; Provided, that any such association licensed to do business in this State shall be entitled to collect any interest on such mortgages or securities and installments on any stock which may be pledged to further secure such mortgages; Provided; further, that upon the failure of any foreign corporation now doing business in this State to procure a license as provided for in this act, or upon the revocation or expiration of the license as provided for in this act, that all such interests and installments may be collected by a receiver appointed by the court having proper jurisdiction; and all money collected by such receiver shall be turned over to the Treasurer of the State to be held for the benefit of the members and creditors of such corporation in this state. Provided, further, that foreign Building and Loan Associations that have heretofore transacted business in this State, must comply with the provisions of this act, within sixty days from the time it takes effect, and such foreign associations as do not comply within the prescribed time shall have the right to close up their business and fulfill their contracts heretofore entered into with the residents of this state without being subject to the penalties or requirements of this act.

Section 12. Such foreign associations may collect and use the interest on any securities so deposited so long as it fulfills its obligations and complies with the provisions of this act. It may also exchange them for other

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securities of equal value and satisfactory to the State Treasurer or withdraw them as provided for in Section 27 of this act.

Section 13. Whenever such association has complied with the provisions of this act, and the State Auditor is satisfied that such association is doing business according to the laws of this State, relating to such associations, and is in sound financial condition, he shall issue his certificate of authority to such association to do business in this State. Annually thereafter, upon the filing of the annual statement herein provided for, if the State Auditor shall be satisfied as aforesaid, he shall issue a renewal of such certificate of authority.

Section 14. The deposit made with the State Treasurer shall be held as security for all claims of residents of this State against said association, and shall be liable for all judgments or decrees thereon, and subjected to the payment of the same in the same manner as the property of other non-residents. Should any association cease to do business in this State, the State Treasurer may release sureties in his discretion, retaining sufficient to satisfy all outstanding liabilities and value of stock held by residents of the State of Montana.

Section 15. Every Building and Loan Associations doing business in this State shall, annually at the end of each fiscal year, or within forty days thereafter, make a full detailed report in writing of the affairs and business of the association for the preceding year, and showing its financial condition at the end of said fiscal year. With the first report made by any association it shall also file a certified copy of its constitution and by-laws or other rules and regulations, showing its manner of doing business.

Section 16. The statement shall be in such form and contain such information as may be prescribed by the State Examiner. It shall be sworn to by the secretary of such company and its correctness attested by at least three directors or an auditing committee appointed by the Board of Trustees. The original shall be filed with the State Examiner within forty days after the close of its fiscal year, and such an abstract thereof as the State Examiner may require shall be posted for sixty days in the office or meeting place of such association and also published three times consecutively in the paper which does the county printing of the county in which said association is located.

Section 17. The State Examiner shall examine all building and loan associations doing business in this State, and governed by this act, once

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a year. Also, whenever ten per cent of the subscribed stock of any association files a written application with the State Examiner requesting him to make examination of any association, he shall make such examination forthwith.

Section 18. Should the State Examiner, upon examination, find any domestic association conducting its business in whole or in part contrary to law, or failing to comply with the law, he shall so notify the board of directors of such association in writing, and if after thirty days, such illegal practices, or failure continues, he shall communicate the facts to the Attorney General, who shall cause proceedings to be instituted in the proper court to revoke the charter of such association. Should the State Examiner find upon examination that the affairs of any such association are in an unsound condition, and that the interests of the public demand the dissolution of such association and the winding up of affairs, he shall so report to the Attorney General who shall institute the proper proceedings for that purpose.

Section 19. Such State Examiner shall have access to and may compel the production of all books, papers, securities and moneys, of the association under examination. He shall have power to administer oaths to and examine the officers and agents of such association and its affairs.

Section 20. When the State Examiner deems it to be to the interest of the public, he may publish the results of such examination in some newspaper of general circulation in the county in which such association is located, if it be a domestic association, and in some newspaper in the City of Helena, Montana, if it be a foreign corporation. The expense of such publication shall be paid by the association whose statement is published.

Section 21. Should the State Examiner find upon examination that a foreign association does not conduct its business in accordance with law, or that the affairs of any such association are in unsound condition, or if such association refuses to permit examination to be made, he shall report such facts to the State Auditor, who may cancel the authority of such association to do business in this State, and cause a notice thereof to be mailed to the home office of the association, and to be published in at least one newspaper published in the City of Helena. After the publication of such notice, it shall be unlawful for any agent of such association to receive any further stock deposits from members residing in this State except payments on stock on which a loan has been made.

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Section 22. Foreign building and loan associations doing business or desiring to do business in this State shall pay to the State Auditor the following fees: For filing each application for admission to do business in this State, ten dollars, (,?) for each one hundred thousand dollars capital stock or fraction thereof actually issued and in force (;?) for any increase of capital the same rate per thousand shall be charged as for filing the original capital stock. For each certificate of authority and annual renewal of the same, one hundred dollars. Both foreign and domestic shall pay to the State Auditor for filing each annual statement as follows: If the assets of the association as shown by the statement filed amount to fifty thousand dollars or less, three dollars; if more than fifty thousand dollars and less than one hundred thousand dollars, five dollars; if more than one hundred thousand dollars and less than two hundred and fifty thousand dollars, ten dollars; if more than two hundred and fifty thousand dollars and less than five hundred thousand dollars, twenty dollars; if more than five hundred thousand dollars, twenty-five dollars: For furnishing each copy of a paper filed in his office, twenty-five cents per folio. For affixing the seal of office and certifying any paper, one dollar. Both foreign and domestic associations shall pay to the State Examiner for each examination made by him a fee of one-twentieth of one per cent of its assets as shown by its last annual statement, provided that the examination fee shall not be less than twenty dollars nor more than fifty dollars per annum for any domestic association, nor more than two hundred dollars per annum for any foreign association.

Section 23. All fees provided for in this Act and paid to the State Auditor, State Examiner, or Secretary of State, shall be by them turned into the State Treasury.

Section 24. The State Treasurer and sureties shall be responsible for the safe keeping of all securities or cash deposited with him in compliance with the provisions of this Act.

Section 25. It shall be unlawful for any building and loan association to do business in this State without having first complied with the provisions of this Act, and any association violating any of the provisions of this Act, or failing to comply with any of its provisions, shall be fined not less than fifty nor more than one thousand dollars, to be recovered by an action in the name of the State, and on collection paid into the State Treasury and any officer, employee, or other person who solicits business for, aids or assists, any building and loan association to do business con-

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trary to the provisions of this Act, or without having complied with the provisions, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not more than five hundred dollars or imprisoned not more than six months, or both. Such fines when collected to be paid into the State Treasury. Provided that except as to taxation, this act shall not affect any such association heretofore organized under the laws of the State of Montana, unless it elects to come under its provisions.

Section 26. The State Examiner shall keep and preserve in permanent form a full record of his proceedings, including a concise statement of each association examined, and he shall annually make a report of the general conduct and condition of the building and loan associations doing business in this State, with such suggestions as he may deem expedient. Such report shall also include the information contained in the statement required of the association and arranged in tabulated form. He shall also report the whole amount of the income of his office, the source whence derived and the expenses, in detail, during the year ending on the 30th day of November.

Section 27. Building and loan associations shall be authorized to provide in their constitution and by-laws of the time and terms of the dissolution of such corporation: also, in the case of dissolution of such corporation its board of directors may, by majority vote, be authorized to sell and transfer its mortgage securities or other property, or both, to another corporation, person or persons, subject to the vested and accrued rights of the mortgagors. Every building and loan association heretofore incorporated under the laws of the State of Montana, which has loaned its money on real estate situated outside of the county in which its principal office is located, shall deposit and keep with the State Treasurer or with a duly chartered bank or trust company of this State, approved by the secretary of State, in trust for all its members and creditors, all mortgages or other securities received by it in the usual course of business. Every building and loan association which has heretofore made, or may hereafter make, a deposit in accordance with the laws of this State, may, at any time, by and with the consent of the State Treasurer, withdraw from the State Treasurer or from the trust company or bank with whom its securities have been deposited, any such securities, for the purpose of depositing such securities with a special trustee for the purpose of securing the withdrawal value of its fully paid stock, or evidence of indebtedness, or whenever required by the laws of any other state, territory, or nation, that its mortgages or other securities shall be deposited in such state, territory or

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nation, for the purpose of enabling such association to enter and do business in such state, territory or nation; or whenever such mortgage securities are required for the purpose of foreclosure in suit; or whenever any of such mortgages have been fully paid and liquidated. Provided that at no time shall the amount of securities on deposit with the State Treasurer, or with the duly chartered bank or trust company, be of less value than twenty-five thousand dollars.

Applications for the withdrawal of securities as herein provided shall be made by the president, or vice-president and secretary, who shall state under oath the purpose for which the withdrawal of such securities is to be made.

Section 28. Sections 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 800, 801, 802, 803, 804, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, and 845 of the Civil Code of Montana are hereby repealed.

Section 29. This act shall take effect from and after June 1st 1897.

Approved March 4th, 1897.

HOUSE BILL NO. 78.

An Act to Amend Section 1080 of Article II of Chapter IV, Title VIII, of Part II, of the Code of Civil Procedure of the State of Montana, relating to the order of proceedings in the trial of civil actions.

Be it enacted by the Legislative Assembly of the State of Montana:

That Section 1080 of Article II, of Chapter IV, of Title VIII, of Part II, of the Code of Civil Procedure of the State of Montana, be and the same is hereby amended so as to read as follows:

"Section 1080. When the jury has been sworn, the trial shall proceed in the following order, unless the court for good cause, and special reasons otherwise direct:

1. The party on whom rests the burden of issues may briefly state his case, and the evidence by which he expects to sustain it.

2. The adverse party may then or at the opening of his case, briefly state his defense, and the evidence he expects to offer in support of it.

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3. The party on whom rests the burden of issues must first produce his evidence; the adverse party will then produce his evidence.

4. The parties will then be confined to rebutting evidence, unless the court, for good reason, in furtherance of justice, permits them to offer evidence in their original case.

5. When the evidence is concluded unless the case is submitted to the jury on either side or on both sides, without argument, the party on whom rests the burden of proof must commence and may conclude the argument.

6. If several defendants having separate defenses, appear by different counsel, the court must determine their relative order in the evidence and argument.

7. When the evidence is concluded, or at any time before the case is finally submited to the jury, if either party desires special instructions to be given to the jury, such instructions shall be reduced to writing by the party or his attorney asking the same, and delivered to the Court. The court shall either give each instruction as requested, or positively refuse to do so, or give the instruction with a modification, and shall mark or endorse upon each instruction so offered in such manner so that it shall distinctly appear what instructions were given in whole or in part, and, in like manner those refused. All instructions given by the Court must be filed together with those refused, as a part of the record.

8. When the argument is concluded the court shall charge the jury in writing giving in connection therewith, such instructions as are offered and allowed. The charge of the court, the instructions given and the modifications thereof, and the refusal to give instructions shall be deemed excepted to and no bill of exceptions shall be required.

9. In charging the jury the Court shall give to them all matters of law, which it thinks necessary for their information in rendering a verdict."

Approved March 1, 1897.

HOUSE BILL NO. 68.

An Act to amend Section 1632 and 1633 of Chapter VIII, of Title XI, of Part II, of the Code of Civil Procedure of the State of Montana relating to justice of the peace judgments.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1632 of Chapter VIII, of Title XI, of Part

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II, of the Code of Civil Procedure of the State of Montana be and the same is hereby amended so as to read as follows:

Section 1632. From the time of docketing in the clerks office execution may be issued thereon by the clerk to the Sheriff of any County in the State, in the same manner and with like effect as if issued on a judgment of the district court."

Section 2. That Section 1633 of Chapter VIII, of Title XI, of Part II of the Code of Civil Procedure of the State of Montana be and the same is hereby amended so as to read as follows:

Section 1633. The judgment rendered in a justice's court creates no lien upon any lands of the defendant, unless such abstract is filed as aforesaid in the office of the Clerk of the District Court of the county in which the lands are situated. When so filed, and from the time of filing the judgment becomes a lien upon all real property of the judgment debtor, not exempt from execution, in such county, owned by him at the time, or which he may afterwards, and before the lien expires, acquire. The lien continues for six years, unless the judgment be previously satisfied."

Approved February 19, 1897.

HOUSE BILL NO. 58.

An Act to amend Section 1641, of Chapter IX, of Title XI, of Part II, of the Code of Civil Procedure of the State of Montana, relating to executions from the justice of the peace courts.

Be it enacted by the Legislative Assembly of the State of Montana:

That Section 1641 of Chapter IX, of Title XI, of Part II, of the Code of Civil Procedure be and the same is hereby amended so as to read as follows:

Section 1641. The execution must be directed to the sheriff or to a constable of the county, and must be subscribed by the justice and bear date the day of its issuance. It must intelligibly refer to the judgment, by stating the names of the parties, and the name of the justice before whom, and of the county, and the township, town or city where, and the time when, it was rendered; the amount of judgment if it be for money; and if less than the whole is due, the true amount due thereon.It must contain, in like cases, similar directions to the sheriff or constable, as are

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required by the provisions of Title IX, Part II, of this Code, in an execution to the sheriff, except that it shall not direct the officer to in any manner levy upon or satisfy the judgment or any interest thereon from any real property."

Approved February 19, 1897.

SENATE BILL NO. 42.

An Act to Amend Section 2530 of Chapter III, Article IX, of the Code of Civil Procedure, and specifying the disqualifications of Judges in Probate Proceedings.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2530 of Chapter III, Article IX, of the Code of Civil Procedure be and the same is hereby amended so as to read as follows:

Section 2530. No will shall be admitted to probate or letters testamentary or of administration granted, before any Judge who is interested as next of kin to the decedent, or as legatee or devisee under the will, or when he is named as executor or trustee in the will or is a witness thereto, and any Judge who shall have acted as Attorney for the decedent in the preparation or drawing of the will, or as the attorney of the executor or administrator of the estate of any deceased person, in the administration of the estate of such deceased person, or as the attorney of any legatee or devisee under the will, or heir of the decedent, or of any person or persons claiming to be such legatee, devisee or heir, shall from and after the approval of this Act be disqualified from making any order, or rendering any judgment or decree, or doing anything whatsoever in the matter of the estate of such deceased person. Whenever it shall be made to appear of record that any Judge presiding in any Court in which proceedings in probate matters have been or are about to be instituted is disqualified from acting therein it shall be the duty of such Judge to as soon thereafter as practicable request the nearest District Judge to preside in the place of the Judge so disqualified in such proceedings. It shall be the duty of the Judge so requested, if he not himself disqualified, to, from time to time as occasion may require, preside in the place of the disqualified Judge in all proceedings in such probate matters.

Section 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved March 5, 1897.

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HOUSE BILL NO. 51.

An Act to amend Section 3162 of the Code of Civil Procedure, relating to witnesses.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3162 of the Code of Civil Procedure be and the same is hereby amended so as to read as follows:

Section 3162. The following persons cannot be witnesses.

1. Those who are of unsound mind at the time of their production for examination.

2. Children under ten years of age, who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly.

3. Parties or assignees of parties to an action or proceeding or persons in whose behalf an action or proceeding is prosecuted, against an executor or administrator, upon a claim or demand against the estate of a deceased person, as to any matter of fact occurring before the death of such deceased person.

Section 2. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved February 19, 1897.

HOUSE BILL NO. 77.

An Act to amend Section 705 of Title X of the Penal Code of the State of Montana, to have the cages in all mines cased in.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 705 of Title X of the Penal Code of the State of Montana, of an Act concerning crimes against the public health and safety, approved March 15, 1895, be, and the same is hereby amended to read as follows:

"Section 705. It is unlawful for any corporation or person to sink, or work, through any vertical shaft where mining cages are used, to a greater depth than three hundred feet, unless said shaft shall be provided

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with an iron-bonneted safety cage, to be used in the lowering and hoisting of the employees thereof, said cage to be also provided with sheet iron or steel casing not less than one-eighth inch in thickness, or wire netting of not less than one-eighth inch in diameter; doors to be made of the same material, shall be hung on hinges, or may be made to slide and shall not be less than five feet high from the bottom of the cage, and said doors must be closed when lowering or hoisting men.

The saftey apparatus, whether consisting of eccentrics, springs, or other device, must be securely fastened to the cage, and must be of sufficient strength to hold the cage loaded, at any depth to which the shaft may be sunk.

The iron bonnet of the aforesaid cage must be made of boiler sheet iron, of good quality, of at least three sixteenths of an inch in thickness, and must cover the top of such cage in such manner as to afford the greatest protection to life and limb from anything falling down said shaft.

It shall be the duty of the mining inspector and his assistant to see that all cages are kept in compliance with this Section and to also see that the safety dogs are kept in good order.

Every person or corporation failing to comply with any of the provisions of this Section is punishable by a fine not less than three hundred dollars, nor more than one thousand dollars.

All Acts and parts of Acts in conflict with this Section are hereby repealed.

This Act shall be in effect from and after June 1st, 1897.

Approved March 1st, 1897.

HOUSE BILL NO. 149.

An Act to amend Section 712 of the Penal Code of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 712 of the Penal Code of the State of Montana, be amended so as to read as follows:

Section 712. It shall be unlawful to knowingly transport or deliver or cause to be delivered Giant, or Hercules Powder, Giant Caps, Nitroglycerine, Nitroleum, Blasting or Nitrated Oil, or powder mixed therewith or fiber saturated therewith, or any other highly explosive substance

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in any quantities whatever on any vessel or vehicle whatever carrying passengers by land or water between any points within the State of Montana: Provided, that on mixed trains intended for service on railroad lines leading to mining localities or camps the aforesaid explosive substances or any of them may be lawfully carried, by hanging a placard on each side of the car or cars carrying the explosives, reading thus: "This car is loaded with Powder"—each letter of said placard to be at least two inches long, but this proviso shall not permit the carrying of any of said explosive substances in the same car or coach in which the passengers are carried.

Approved March 6, 1897.

SUBSTITUTE FOR SENATE BILL NO. 5.

An Act to amend Section 883 of the Penal Code of Montana, relating to Grand Larceny.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 883 of the Penal Code of Montana be amended so as to read as follows:

Section 883. Grand Larceny is larceny committed in either of the following cases:

1. When the property taken, is of value exceeding fifty dollars.
2. When the property is taken from the person of another.
3. When the property taken is a stallion, mare, gelding, colt, foal or filly, cow, steer, bull, stag, heifer, calf, mule, jack, jenny, goat, sheep, or hog.
4. If any person or persons, shall steal or with intent to steal, shall take, carry, drive, lead or entice away any mare, gelding, stallion, colt, foal or filly, mule, jack or jenny, ox, cow, bull, stag, heifer, steer, calf, sheep, goat, or hog, being the property of another, he or they shall be deemed guilty of grand larceny; and shall be liable to the person or persons, whose property is so stolen, for the said property or the value thereof, and for any expenses by him or them incurred in endeavoring to make reclamation thereof.

Section 2. That this Act shall be in effect from and after its passage and approval.

Approved February 23, 1897.

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HOUSE BILL NO. 57.

An Act to amend Sections 897 and 898, of Chapter V, of Title XIII. of Part I. of the Penal Code of the State of Montana, relating to larceny of gas, water, and electrical current for light and power purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

1. That Section 897 of Chapter V. of Title XIII. of Part I. of the Penal Code of the State of Montana, be, and the same is hereby amended so as to read as follows:

"897. Every person who, with intent to injure or defraud, procures, makes, or causes to be made, any pipe, tube, wire, or other conductor of gas or electricity, and connects the same, or causes it to be connected, with any main, service pipe, or other pipe for conducting or supplying illuminating gas or any wires or other conductor of electricity, in such manner as to supply illuminating gas or electricity to any lamp, motor, burner, or orifice, by or at which illuminating gas or electricity is consumed, around or without passing through the meter provided for the measuring and registering the quantity consumed, or in any other manner so as to evade payment therefor, and every person who, with like intent, injures or alters any gas or electric meter, or obstructs its action, is guilty of a misdemeanor. In prosecutions for offenses under this Section proof that, any of the acts herein forbidden have been done in, upon, or about the premises owned or used by the defendant charged with the commission of such offense in such a manner as to decrease or lessen the amount he should pay under his understanding or contract with any person or corporation engaged in the business of furnishing and selling gas or electricity, shall be prima facie evidence of the guilt of said defendant.

2. That Section 898, of Chapter V. of Title XIII. of Part I. of the Penal Code of the State of Montana, be, and the same is hereby amended so as to read as follows:

"898. Every person who, with intent to injure or defraud connects or causes to be connected, any pipe, tube, wire electrical conductor or other instrument with any main, service pipe, or other pipe or conduit or flume for conducting water, or with any main, service pipe, or other pipe or conduit for conducting gas, or with any main service wires, or other electrical conductor used for the purpose of conducting electricity for light or motive service, for the purpose of taking therefrom

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water, gas, or electricity without the knowledge of the owner thereof and with intent to evade payment therefor, is guilty of a misdemeanor. In prosecutions for offenses under this Section proof that any of the Acts herein forbidden have been done in, upon, or about the premises owned or used by the defendant charged with the commission of such offense in such a manner as to provide for such defendant's use water, gas or electricity shall be prima facie evidence of the guilt of the defendant."

That there is hereby added to Chapter V of Title XIII., of Part I, of the said Penal Code, an additional section to be designated as Section 900 as follows:

Section 900. Every person, or persons, or officer or officers or employe, or employes of any corporation or corporations who with intent to injure, or defraud, uses or causes to be used any false registering or false measuring device or meter for the measuring of any water, gas or electric current that is sold to any other person or persons, corporation or corporations, or who shall alter or change the record or measurement of any such meter or measuring device with intent to injure or defraud, shall be guilty of a misdemeanor and on conviction thereof shall be fined in the sum of not less than $100 nor more than $500. In prosecutions for offenses under this Section, proof of the use of such false registering meter or proof of an attempt to collect payment from any consumer for any falsified amount or quantity of gas, water, or electricity, shall be prima facia evidence of the guilt of such defendant.

Approved March 6, 1897.

HOUSE BILL NO. 123.

An Act to repeal Sections 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, of the Penal Code of the State of Montana, and to provide further protection to birds, fish, fur bearing animals and game.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any person who wilfully shoots or kills, or causes to be shot or killed, any Bison, Buffalo, Quail, Chinese Pheasant, Beaver or

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Mountain Sheep shall be punishable by imprisonment in the State Prison for a term not exceeding two years or in the county jail not less than six months, or shall be fined in a sum not more than Five Hundred Dollars, nor less than Fifty Dollars, or by both such fine and imprisonment

Section 2. Any person, who, between the fifteenth day of November of one year, and the fifteenth day of September of the following year, wilfully shoots or kills, or causes to be shot or killed, any Moose or Elk, or who, in a single open season, shall kill or shoot, or cause to be killed or shot, more than two moose or elk, shall be punishable by imprisonment in the State Prison for a term not exceeding two years, or in the county jail not less than six months or by a fine of not more than Five Hundred Dollars nor less than One Hundred Dollars, or by both such fine and imprisonment.

Section 3. Every person, who between January 1st and September 1st of same year, wilfully shoots, or kills or causes to be shot, or killed any Deer, Antelope, or Rocky Mountain Goat, or who, in a single calendar's Year's open season shoots or kills, or cause to be shot or killed more than six Deer, Antelope or Rocky Mountain Goat, shall be punished by imprisonment in the State Prison for a term not exceeding one year, or in the county jail not less than three months, or by a fine not more than Five Hundred Dollars, nor less than One Hundred Dollars, or by both such fine and imprisonment.

Section 4. Every person, who, wilfully hunts, chases, or runs with dogs, any of the animals mentioned in the three preceding Sections, at any time, shall be punishable by a fine not exceeding Two Hundred and Fifty Dollars, or imprisonment in the county jail not to exceed three months or both.

Section 5. Every person, who, between the fifteenth day of December and the fifteenth day of August of the year following, wilfully shoots or kills or causes to be shot or killed, any grouse, prairie chicken, fool hen, sage hen, and pheasant or partridge; or who during the open season, shoots or kills, or causes to be shot or killed, more than twenty grouse, or prairie chicken, or fool hens, or pheasants, sage hen or partridges, in one day, shall be punishable by a fine of not less than Twenty five Dollars, nor more than Two Hundred and Fifty Dollars, or by imprisonment in the county jail not to exceed three months, nor less than one month, or by both such fine and imprisonment.

Section 6. Every person, who, wilfully shoots or kills, or causes to be shot or killed, any wild geese, wild ducks, brants, or swan, between

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the first day of May and the first day of September of the same year, shall be punishable by a fine of not less than Twenty five Dollars, nor more than Two Hundred and Fifty Dollars, and by imprisonment in the county jail for a term not to exceed three months, and not less than one month, or by both such fine and imprisonment.

Section 7. Every person, who, wilfully shoots, or otherwise kills or causes to be killed, any meadow lark, blue bird, thrush, oriole, woodpecker, mocking bird, gold-finch, snow-bird, cedar-bird, stork, or any other of the small birds known as singing birds, shall be punishable by a fine not exceeding One Hundred Dollars, nor less than five Dollars and by imprisonment in the county jail not to exceed three months, or by both such fine and imprisonment.

Section 8. That any person who shall wilfully catch, trap or otherwise restrain, for the purpose of sale or domestication or any other purpose, any buffalo, elk, moose, or mountain sheep within the State, shall be deemed guilty of a misdemeanor and be fined not more than Five Hundred Dollars, nor less than One Hundred Dollars and shall be imprisoned in the county jail not exceeding six months or by both such fine or imprisonment for each offense committed in the discretion of the court.

Section 9. Any person who shall wilfully destroy the nests or carry away the eggs from the nests of any of the birds or wild fowls mentioned in this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than Five Dollars nor more than Twenty five Dollars for each offense committed, or by imprisonment in the county jail for a period of not exceeding sixty days, or both, at the discretion of the court.

Section 10. Evey person who takes or catches fish in any of the streams, lakes or ponds of this State, except with a pole, line and hooks, or any person who takes or catches fish with a hook baited with any poisonous thing or substance, or by means of dams, or in the use of any fish traps, grab-hooks, seines, or similar means for catching fish, is guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than Twenty five Dollars, nor more than Two Hundred Dollars, or be imprisoned in the county jail not less than thirty days, nor more than ninety days, or both such fine and imprisonment in the discretion of the court.

Section 11. It is, however, lawful to use a seine or catch net for the purpose of catching fish in the Missouri River, below Great Falls, and in the Yellowstone River, below Big Horn, provided said seine or net has a

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mesh not less than two inches square; and it is also lawful to use a seine or net in any stream, lake or pond for the purpose of taking fish to transport into or stock other streams, lakes or ponds in the State of Montana.

Section 12. Every person, who, in any way, catches any trout or graylings for speculative purposes, for market or for sale, and every person who offers for sale or sells speckled Mountain trout in the State of Montana is guilty of a misdemeanor, and shall be punished as provided in Section 10 of this Act. This Section shall not apply to fish caught in private ponds by owners thereof.

Section 13. If any person, or persons shall use any giant powder or other explosives compounds for the purpose of catching or killing fish, he shall be deemed guilty of a felony, and upon conviction thereof, shall be punished by a fine not less than Two Hundred Dollars, nor more than Five Hundred Dollars, or by imprisonment in the State Prison not less than one year nor more than three years, or both such fine and imprisonment.

Section 14. Every person who operates any saw-mill on or near any stream, who dumps, drops, carts, deposits, or causes to be deposited in any such stream, any saw dust, bark or debris, coming from said saw-mill, is punishable by a fine not less than Fifty Dollars not more than Two Hundred and Fifty Dollars, or by imprisonment in the county jail not less than thirty days, nor more than ninety days, or both such fine and imprisonment, in the discretion of the court.

Section 15. There shall be constructed at all dams now existing or any that may be hereafter placed on any of the streams of the State, a fish way or ladder, said fish-way or ladder to conform to the following requirements: It shall be from three to six feet in width, as the fish and game warden may direct; it shall extend from the base to the apex of the dam; it shall be strongly constructed and made of at least two-inch planks; the sides shall not be less than one foot in height; it shall have wings placed on the inside at an angle of not more than forty-five degrees, which said wings shall not be more than four feet apart along each side of the way or ladder; the way or ladder shall have a slope of not more than thirty degrees. Any persons or corporations who shall violate any of the provisions of this Section, upon conviction thereof, shall pay a fine of not less than Fifty Dollars, not more than Two Hundred dollars, or be imprisoned in the county jail for a period of not less than thirty days, nor more than ninety days, or both such fine and imprisonment in the discretion of the court.

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Section 16. The possession of the dead bodies or any part thereof, or any of the birds or animals mentioned in this Act shall be *prima facie* evidence that such person or persons is or are guilty of killing the same.

Section 17. Any person or persons, agent or employees, of any stage or express company, or railroad company, or association of persons, who shall receive for transportation or carriage, or shall sell or offer for sale, fish or game that have been taken or killed contrary to the provisions of this Act, knowing or having reason to believe that such fish or game were so illegally caught, taken or killed, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than One Hundred Dollars, or more than Three Hundred Dollars for each lot or shipment of fish or game so transported or carried, or be imprisoned in the county jail for not less than ninety days, or both in the discretion of the court.

Section 19. Every person who shall sell or offer for sale, any of the birds or animals or any part thereof mentioned in Sections 1, 2, 3, 4, 5 and 6 of this Act, is punishable by a fine of not less than Twenty-five Dollars or more than Two Hundred and Fifty Dollars, or by imprisonment in the county jail for not less than thirty days, nor more than ninety days, or both such fine and imprisonment in the discretion of the court.

Section 20. It shall be the duty of all grand juries to investigate all infractions of any provisions of this Act, except such cases and violations as may have been tried by a court of competent jurisdiction, and upon due proof of violation of any of the said provisions, they shall proceed to indict such party or parties according to law, and it is hereby made the duty of the Judge of the District Court to call the attention of the Grand Jury to the provisions of this Act. The District Court shall have concurrent jurisdiction with the justices of the peace of all offenses committed under the provisions of this Act. And it is further provided that in construing this Act, the provisions and penalties hereinbefore made and prescribed shall be deemed and held to include all Indians and half breed Indians when outside the Indian Reservation. It is further provided and declared to be the duty of any sheriff, or peace-officer of any county of this State, and the county attorneys of the respective counties when it shall come to their knowledge, or they shall have reason to believe that any person has violated any of the Sections of this Act, to commence criminal proceedings against them either in the Justice or District Court, as in their judgment shall be proper, and any failure on the part of any county attorney, sheriff or other peace officer, or game warden, who

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has knowledge of the violation of any of the provisions of this Act to commence such proceedings, shall be deemed a misdemeanor, and he shall be punished by a fine of not to exceed Five Hundred Dollars or by imprisonment in the county jail for not less than six months, or both such fine and imprisonment in the discretion of the court and shall forfeit his office.

Section 21. All fines and penalties mentioned in any Section of this Act may be collected by a civil action in the name of the State of Montana, in any court of competent jurisdiction, upon proper complaint being filed: one-half of the fine thus collected shall be paid to the game warden whose appointment is provided for in Section 3100 of the Political Code, if he be the informer, otherwise to the person furnishing the information of the violation of this Act; and one-half of said fine when collected, shall be paid to the State Treasurer for the benefit of the State Game Warden, as provided for in "An Act entitled An Act for the further preservation of fish and game in the State of Montana, an appointment of a Board of Game and Fish Commissioners." All such fines and cost shall be collected without stay of execution and such defendant or defendants may, by order of the court, be confined in the county jail of such county until such fine and costs are paid.

Section 22. Sections 1110 to 1144 inclusive of the Penal Code, and the whole thereof, are hereby repealed, and all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 23. Whenever it shall appear under any prosecution under any Section of this Act making it a felony for the violation thereof, that the crime was committed, or that the game was killed, or the fish caught in violation of law in any other State other than Montana, it shall be the duty of the magistrate or the court before whom the trial was had to hold said defendant for at least ten days, and for such further time as may be necessary to allow the authorities of said State wherein the law has been violated to take the necessary steps to secure the arrest and extradition of the accused, if they so desire; and on the holding of the accused under the provisions of this Section, it shall be the duty of the county attorney, or attorney prosecuting to immediately notify the proper officers of the State and county in which appears the law has been violated, of all the facts and circumstances connected with said proceeding.

Section 24. When it is shown that any violation of the provisions of this Act was for the purpose of preventing great suffering by hunger, of

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any person or persons, which could not otherwise been avoided, the provisions of this Act shall not apply to said case.

Section 25. None of the Sections of this Act shall apply to persons hunting or otherwise engaged in collecting specimens under the direction of, and in the interest of any State Educational Institution of the State of Montana.

Approved March 8th, 1897.

HOUSE JOINT MEMORIAL NO. 1.

To the Honorable—The Senate and House of Representatives, of the United States, in Congress Assembled:

Your Memorialists, the Legislative Assembly of the State of Montana, respectfully request and urge you to establish by law, as speedily as possible, a government banking system for the deposit and investment of the savings of the people, to be managed through the postal department or such other department of the Government, and under such regulations as may be deemed most advisable.

Approved February 19, 1897.

HOUSE JOINT MEMORIAL NO. 2.

To the Honorable—The Senate and House of Representatives, of the United States, in Congress Assembled:

Your Memorialists, the Legislative Assembly of the State of Montana respectfully represent that we believe there is a general desire upon the part of the legal voters of the State of Montana, that United States Senators should be elected by a direct vote of the people, and that the election of United States Senators by the Legislative Assembly under the present provisions of the constitution and laws of the United States retards and delays the business of the sessions seriously.

Therefore your memorialists respectfully request you to take such steps as may be necessary to secure such amendements to the Constitution and laws of the United States as will provide for the election of United States

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Senators by a direct vote of the people; and we urge our Senators and Representatives in Congress to use their best endeavors to secure such amendments.

It is further resolved that the Secretary of State be and he is hereby instructed to furnish a copy of this Memorial to each of our Senators and Representatives in Congress

Approved February 19, 1897.

HOUSE JOINT MEMORIAL NO. 3.

To the Honorable—The Senate and House of Representatives, of the United States, in Congress Assembled:

Whereas, in the interest of good government; for the welfare of our people; in the cause of general reform, and on behalf of justice and equity, to us as a people and as a nation, collectively and individually.

Be it resolved we, your memorialists, the Legislative Assembly of the State of Montana, respectfully represent that we ask Congress to provide by proper legislation to place said Union Pacific Railroad System and its allied lines in the hands or control of the United States government.

It is further resolved that the Secretary of State is hereby instructed to furnish a copy of this Memorial to each of our Senators and Representatives in Congress.

Approved February 19, 1897.

HOUSE JOINT MEMORIAL NO. 4.

To the Honorable—The Senate and House of Representatives in Congress Assembled:

Whereas, the present financial condition of thousands of able and energetic business men throughout the United States is deplorable in consequence of the financial condition of the country.

And, Whereas, there ought to be some measure of relief afforded these people, so that their energies can be devoted to recuperating their fortunes again, and incidentally aid with up building of the State.

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And, Whereas, The Torry Bankruptcy bill is considered an equitable measure presenting a uniform system of bankruptcy for the people of the United States.

And, Whereas, The said bankruptcy bill has already passed the House of Representatives, and only awaits the action of the Senate to become a law.

Therefore, Be it resolved, that we, the Legislative Assembly of the State of Montana, memorialize the Senate of the United States respectfully requesting that body to promptly pass the Torry Bankruptcy Bill aforesaid.

Resolved, That the Secretary of State be, and is hereby instructed to furnish a copy this Memorial to our Senators and Representatives in Congress.

Approved March 2nd, 1897.

HOUSE JOINT RESOLUTION NO. 3.

House Joint Resolution Authorizing the Board of State Prison Commissioners to remove certain Building Material at the Eastern State Prison, at Billings, Montana, to the Western State Prison, at Deer Lodge, and making an appropriation therefor.

Be it Resolved by the Legislative Assembly of the State of Montana:

Section 1. That the Board of State Prison Commissioners of the State of Montana, are hereby authorized and directed to remove from the Eastern State Prison at Billings, Montana, any or all wood-work, doors, hardware, iron work and other personal property that are not in place, such as can be utilized in furnishing the new prison building at Deer Lodge, belonging to the State of Montana, to the Western State Prison at Deer Lodge, Montana, and use the same for the completion and construction of prison buildings at the Western State Prison at Deer Lodge, Montana.

Section 2. That the sum of five hundred dollars, or so much thereof as may be necessary, is hereby appropriated to defray the expenses of removal and freight charges from Billings to Deer Lodge.

Approved March 4th, 1897.

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HOUSE JOINT RESOLUTION NO. 6.

Be it Resolved by the House of Representatives of the State of Montana, the Senate Concurring:

That the Secretary of State shall and he is hereby directed to furnish or mail each Senator and Member of the Fifth Legislative Assembly one copy each of the journals of the Senate and of the House of Representatives, and one bound copy of the laws enacted by the Fifth Legislative Assembly, as soon as the same have been printed.

Approved March 6th, 1897.

SENATE JOINT RESOLUTION NO. 3.

Be it resolved by the Senate of the Fifth Legislative Assembly of Montana, the House concurring, that in view of the report of the joint committee of this legislature appointed to investigate the State Reform School at Miles City, disclosing a condition of affairs in the administration thereof, that is a disgrace to the officers charged with such administration, and a blot upon the fair name of the State of Montana; that the result of said investigation be transmitted to His Excellency, the Governor of Montana; that His Excellency, the Governor be and is hereby requested to further investigate as to the responsibility for the existence of such a condition of administration as is shown in the report of said joint committee, and if he shall find that the trustees of said Reform School are responsible either through a knowledge of said administration, or if they did not have such knowledge, through a neglect of functions devolving upon them as trustees; and if he shall find said trustees so responsible, that he then exercise the power conferred upon him in Section 3065, of the Penal Code of Montana by the removal from office of said trustees.

Approved February 25th, 1897.

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SENATE JOINT MEMORIAL NO. 6.

Helena, Montana, February 27, 1897.

Hon. Thos. H. Carter and Hon. Lee Mantle:

We, the Legislative Assembly of the State of Montana, do earnestly protest against the recent order of the President setting aside large timber reserves in this State, knowing that its enforcement would seriously cripple and retard its development. For these and other reasons we respectfully request that this order be at once revoked.

Approved March 1st 1897.

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